

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Original Application No.251/2004.

Lucknow; this day of 2.11.2004.

HON'BLE SHRI KULDIP SINGH, VICE CHAIRMAN.

HON'BLE SHRI S.K. MALHOTRA, MEMBER (A).

Jafar Hussain, aged about 38 years, son of Shri Ali Hussian, resident of House No.131, Mohalla-Golaganj, Lucknow.

... Applicant.

By Advocate:-Shri Nand Kishore.

Versus

Union of India through the General Manager, Northern Railway, New Delhi.

2. Divisional Manager, Northern Railway, Hazratganj, Lucknow.

... Respondents.

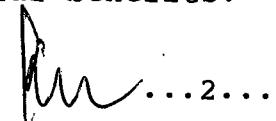
By Advocate:-Shri S.M.S. Saxena.

O R D E R (ORAL)

(BY SHRI KULDIP SINGH, VICE CHAIRMAN)

Heard. The applicant has filed this O.a. under Section 19 of the Central Administrative Tribunal, Act, 1985 seeking the following reliefs:-

(A). This Hon'ble Tribunal be kindly pleased to order the Respondents to consider the matter of the appointment of the applicant for Class IIIrd service in the Northern Railway in pursuance to the Railway G.O. dated 20.5.1974 and further to make appointment of the applicant, with all consequential benefits.

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(B). The Hon'ble Tribunal be pleased to grant any other relief to the applicant which is deemed to be fit under the circumstances of this case.

(C). The opposite parties be kindly ordered to grant the costs of this application to the applicant.

2. The case of the applicant is that the father of the applicant was working in the railway department who retired on 31.12.1974. The Railway has issued a G.O. dated 20.5.1974 under the title of Employment of son's, daughters and dependents of railway employees and 20% of teh vacancies of Calss III posts in initial recruitment grades including apprentice categories can be filled up by the General Manager from sons/ daughters/dependents of railway employees who have rendered exemplary services and have been loyal during the recent agitations and work stoppages. The applicant alleges that immediately after the retirement of his father he ~~hencefor employment in~~ made a representation to consider ⁱⁿ the strength of G.O. when he was only 12 years of age. When he attained ^{the age of majority,} ~~he~~ filed a representation for grant of appointment on the strength of G.O. but his application was not considered and no appointment order has been issued. On the last date vide order dated 7.10.2004 the Court pass an order to file the copy of G.O. alongwith the information whether the G.O. is still in operation or not. In compliance of this order the learned counsel for respondents has filed a Supp. Affidavit alongwith a copy of Railway Board's letter dated 10.9.1975 directing the General Manager of Indian ^{Railway} in regard to employment of sons, daughter of Railway staff should not be made beyond 31.12.1975.


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3. Learned counsel for respondents has also pointed out that on the basis of said G.O. various other litigation have been filed by similarly situated other persons who were approached the Court for appointment on the strength of G.O., one of such judgment of Hon'ble High Court of Allahabad dated 8.1.1992 in the case of Statya Narain Shah Vs. Union of India & Others reported in AIR 1982 page-63 wherein, it has been held that the claim made by the applicant after a long gap of time is not barred by limitation. In the similar circumstances the Apex Court in the case of Gazula Dasaratha Rama Rao Vs. State of Andhra Pradesh AIR 1961 SC 564. Similarly, Rule 12.14 (3) of the Punjab Police Rules, 1934 which authorised the granting the preference in favour of sons, and other relatives of persons serving in the police services, was found unconstitutional. similarly, in the case of Yogendra Pal Singh Vs. Union of India & Others (AIR-1987 SC-1015) the case of the applicant was found grossly barred by limitation.

4. *also* In this case the applicant had filed an O.A. only on 4.6.2004 seeking benefits of G.O. dated 20.5.1974 which also ~~to be~~ appeared as time barred as *to be* ~~measure~~ *was in force* ~~major~~ which ~~is taken~~ up immediately after the strike in the Railway's and the right of preferential appointment of Railway employees cannot be extended for all time to come. In the case of Gurudev Prasad Verma Vs. Union of India wherein, the applicant had prayed for his appointment under loyal quota and the O.A. was dismissed. In this view of the matter this court cannot take a different view and the O.A. is liable to be dismissed. *for*

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5. The O.A. is therefore, dismissed without any order as to costs.

Amay
(S.K. MALHOTRA)
MEMBER (A)

Kuldeep
(KULDIP SINGH)
VICE CHAIRMAN.

Dated:-02.11.2004.
Lucknow.
ak/.