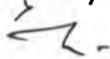


CENTRAL ADMINISTRITIVE TRIBUNAL

LUCKNOW BENCH

O.A.No.43/2006

25th
This the day of April 2007



HON'BLE SHRI A.K. SINGH, MEMBER (A)

HON'BLE SHRI M. KANTHAIAH, MEMBER (J)

Ajeet Kumar Ghosh, abed about adult, son of Late Shri B.C. Ghosh, resident of 5-B, Kailashpuri, Alambagh, Lucknow.

... Applicant.

By Advocate:-Shri Praveen Kumar.

Versus.

1. The Union of India through the General Manager, N.E. Railway, Gorakhpur.
2. The Dy. Chief Mechanical Engineer, Carriage & Wagon Shop, Northern Railway, Alambagh, Lucknow.

... Respondents.

By Advocate:-Shri S. Verma.

ORDER

BY SHRI M. KANTHAIAH, MEMBER (J)

The applicant has preferred this original application seeking a direction to the respondents for his appointment in the post of Casual Labourer on the ground that his name was placed in the panel formed in the year 1974 for appointment for future vacancy with following averments.

2. That the applicant was initially engaged as Casual Labourer with the railway administration and had worked at different places and



units. After screening a panel was formed in the year 1974 in which the name of applicant was shown at Serial No 484 in the panel. Though the respondents have promised to appoint him from the list on occurrence of future vacancies they have not given any such appointment. Further a candidate who was listed at Serial No 542 in the list was appointed and further entire list had been exhausted. Inspite of his representations there was no response from the respondent's authorities and as such he filed this OA to issue directions to the respondents for his appointment. Along with this OA he also filed an application to condone the delay in filing OA on the ground that his wife fell sick and due to which he did not prosecute the case in time and thus caused delay.

3. The respondents have filed counter affidavit denying the claim of the applicant for his appointment in the post of Casual Labourer. They further stated that the panel which constituted in the year 1974 could only be partly operated for want of vacancies and has expired as per Railway rules some 30 years back due to flux of time. They also denied that the applicant was ever engaged as Casual Labourer under respondent administration and the allegation that his junior in the list was offered any appointment in the year 2000. The respondents have also taken objection stating that the claim of the applicant is barred by limitation under section 21 (1) & (2) of administrative tribunal act 1985 and the matter directly and substantially issues in this applicant is beyond in the jurisdiction of the tribunal.

4. Heard both sides

5. The point for consideration is whether the applicant is entitled for the relief as prayed for.



6. In respect of the main claim of the the applicant, he has not filed any documents to show that he is entitled for grant of temporary status to regularize his services as casual labour calling him in screening in the year 1974. In respect of Annexure-2, respondent contents that regular selection for the post of Khalasi Rs. 70-85 (AS) from open market was held in which the name of the applicant was shown at SL. No. 484 and the said panel was partly operated for want of vacancies and due to reduction of the posts at Serial No. at which the applicant was never reached and consequently the said panel was expired. No material is placed to show that the respondents have made appointment till recently basing on Annexure-2. In such circumstances giving any direction to the respondents for appointment of the applicant in the post of casual labour on the ground that his name was placed in the panel formed in the year 1974 for appointment for future vacancy does not arise

7. The applicant claims relief for his appointment as casual labour basing on the list of 1974 and also stating that inspite of his representation there was no response from the department. In respect of his representation dated 17.12.2003 (Annexure-3) also the respondents have denied stating that the same is forged and fabricated and never sent to the authority.

8. To substantiate his stand, the applicant has not placed any material to show sending of his representation dated 17.12.2003 (Annexure-3) or any earlier representation to the department, which itself falsified the version of the applicant.

9. Further the claim of the applicant is basing on the list prepared in the year 1974, which is also barred by limitation under Section 21 of Administrative Tribunal Act, 1985 and thus beyond the jurisdiction

of this Tribunal.

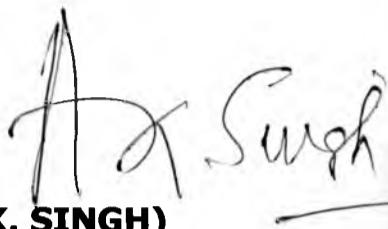
10. In view of the above circumstances, the applicant has no fundation and also his claim is also barred by limitation besides beyond the jurisdiction of the Tribunal, hence liable for dismissal.

11. In the result OA is dismissed. No costs.


(M. KANTHAIAH)
MEMBER (J)

/AMIT/

25.4.07


(A.K. SINGH)
MEMBER (A)