

**Central Administrative Tribunal Lucknow Bench Lucknow**

**Original Application No. 132/2008**

This, the <sup>16<sup>th</sup></sup> day of April, 2009

**HON'BLE MR. M. KANTHAIAH, MEMBER (J)**  
**HON'BLE DR. A.K. MISHRA, MEMBER (A)**

Zafar Hussain, aged about 44 years, son of Late Sri Ali Hussain, Resident of Shadab,  
233 Immambara meer Wajid, Golaganj Lucknow.

.....Applicant.

By Advocate Sri G.S. Chauhan.

Versus

1. Union of India through the General Manager Northern Railway New Delhi.
2. Divisional Manager Personnel, Northern Railway Hazratganj, Lucknow.
3. Divisional Office Superintendent Northern Railway, Hazratganj, Lucknow.

Respondents.

By Advocate Sri S. Verma.

**ORDER**

**By Hon'ble Dr. A. K. Mishra, Member (A)**

This application has been made challenging the order dated 26.10.2007 of the respondents Railway Authority rejecting the prayer of the applicant for employment under the loyal quota in terms of a special order issued by the Railway Board in the year 1974 granting special concessions to those employees who did not participate in the All India Railway Strike of that year.

2. The applicant had earlier filed O.A. No. 312/2007 in which the respondents were directed to consider his request by treating that O.A. as a representation and pass a speaking order. The respondent had stated in the impugned order that according to applicant's own admission, his father had retired from service on 31.12.1974 and he had been given an advance increment on 1.6.1974 for his non-participation in the strike which benefited him in his pensionary dues. Neither his father nor the applicant had



applied for employment under the loyal quota in the year 1974 and this matter could not be agitated after lapse of 33 years. Further, the applicant had already attained the age of 44 years and is ineligible to get any Government employment at this later stage in life. For this reason, his application was rejected.

3. The respondents have submitted that applications for employment under loyal quota were to be received before 30.12.1975. On his own admission, the applicant was only 10 years of age by then and there was no way in which he could be considered for appointment. They have challenged the maintainability of this application as the matter relates to the year 1974 and the claim had arisen much before the Tribunal could be constituted. Under the CAT Act, 1985, Section 21 (2) (a) of this Act says that only grievances for which applications had been made or which had arisen at any time during 3 years preceding the date on which the jurisdiction, powers and authorities of the Tribunal became exercisable under the Act, an application in respect of such a matter could be entertained. In other words, any matter where the cause of action had arisen before 3 years preceding the constitution of this Tribunal would not be maintainable before this Tribunal on the ground of limitation.


4. At the time of hearing, the learned counsel for the applicant placed the judgment of the Hon'ble High Court of Allahabad Bench in the case of Satya Narayan Shah Vs. UOI (Second Appeal No. 1060 of 1984 decided on 8.1.1992) in which a reference had been made to the subject matter of employment under loyal quota and from the discussion of this subject, it appears that a time limit of 3 years had been given by Railway Authorities for considering applications in this regard. The respondents, on the other hand, submitted in their C.A. that the time limit was only upto 31<sup>st</sup> December, 1975. In the absence of the circular of the Railway Board itself, no finding can be given except to rely on the discussion appearing in the judgment of the Hon'ble High Court. Even allowing for three years, the time limit had expired long back in the year 1977. According to the admission of the applicant, he was a minor person and could not have been considered for employment under this quota during the time limit fixed for the purpose.




5. The applicant has filed one typed letter said to have been written by his late father on 31.12.1974 representing before respondent authorities that his son should be given an employment under the loyal quota as and when he attained the age of 18. The authenticity of this letter as well as the alleged reply at Annexure A-4 is not established.

6. The fact remains that the cause of action, if any, arose in the year 1974 and the time limit was over in 1977. Such a matter cannot be entertained by this Tribunal in view of the specific provisions regarding the limitation. Earlier direction given by this Tribunal and subsequent action of the respondent in considering the representation of the applicant will not cure this infirmity.

7. Under the circumstances, we hold that this application is barred by limitation, hence dismissed. No costs.

  
(Dr. A.K. Mishra)  
Member (A)

16/04/09

  
(M. Kanthaiah)  
Member (J)

HLS/-