

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH.

ORIGINAL APPLICATION NO. 428/1996.

Monday, this the 25th day of February, 2002.

Hon'ble Shri Gopal Singh, Administrative Member.
Hon'ble Shri J.K. Kaushik, Judicial Member.

Shri Arun Chhabu Ankush,
Gangman under PWI/Manmad,
Central Railway, residing
At Budhalwadi, Post-Manman,
Tal. Nandgaon, Distt. Nasik,

(By Advocate Shri H.A. Sawant) ... APPLICANT

versus

1. The Secretary, Railway Board, Ministry of Railway, Rail Bhavan, New Delhi, representing the Union of India New Delhi No. 110001.
2. The General Manager, Central Railway, Head Quarter Office, Victoria Terminus, Bombay No. 400001.
3. The Divisional Railway Manager, Bhusawal Railway Div. Central Railway, Bhusawal No...

... RESPONDENTS.

(By Advocate Shri R.R. Shetty)

: ORDER (ORAL) :
(per Hon'ble Mr. Gopal Singh)

In this application under Section 19 of the Administrative Tribunals Act, 1985, applicant Arun Chhabu Ankush, has prayed for as under :-

" 1) To direct/order the respondents to pay consequential Benefits of Back wages, increments and other benefits accessing as per rules with effect from 18.12.1987.

2. Applicant's case is that he was initially appointed on 30.05.1978 as Casual Labour. He was

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given the status of Monthly Rated Casual Labour (for short, MRCL) on 24.02.1983. He appeared in the trade test for the trade of Skilled Mason on 18.11.1986 and he was promoted as such on qualifying that examination. Subsequently he was reverted as Khallasi w.e.f. 05.01.1988. This reversion has been challenged in the present OA filed in the year 1995. The contention of the applicant is that he has subsequently been promoted on the basis of said trade test in the year 1996 and, therefore, he seeks the benefit of appointment as Mason from the earlier date of 18.11.1986. Hence this application.

3. In the counter, the respondents have contested the application on the ground of limitation. It has also been submitted by the Learned counsel for the respondents that the applicant also does not fulfil the eligibility criteria for trade test for the post of Mason. In these circumstances, it is urged by the respondents that this application is devoid of any merit and is ~~unjust~~ liable to be dismissed.

4. On the point of limitation, Learned counsel for the applicant has submitted that the applicant had been submitting representation after representation in the intervening period from 1988 to 1995. When his grievance was not redressed by the respondents department, he approached this Tribunal. In effect the applicant has taken six to seven years after the grievance arose to him to approach this Tribunal and

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we do not find this delay of six to seven years is satisfactory explained by the repeated representations. It is well known that repeated representation does not extend the limitation. Thus, this application can be dismissed only on this ground. It is seen from records that Railway Board's letter dated 23.01.1985, prescribed some eligibility conditions for appearing in the trade test. One of them is that a person who have five years of casual skilled service would be eligible to appear in the trade test. The contention of the applicant is that he has been holding the post since 1978 and he has five years casual skilled service and, therefore, he is eligible for said trade test. By his own admission the applicant has been working as Khallasi Mason (Annexure A-8) and, therefore, it cannot be held that the applicant has been holding the skilled post. Thus, the application fails on merits also.

5. In the light of above discussion, we find that this OA is devoid of any merit and deserves to be dismissed. The OA is accordingly dismissed with no order as to costs.

J. K. KAUSHIK
(J. K. KAUSHIK)

Judl. Member

Gopal Singh
(GOPAL SINGH)

Adm. Member