

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

MISCELLANEOUS APPLICATION NO.1344/1991
and,
ORIGINAL APPLICATION NO.1073 of 1991

DATE OF JUDGMENT: 28th July, 1992.

BETWEEN:

Mr. B.N.V.Narasimham .. Applicant

AND

1. The Railway Recruitment Board,
represented by its ~~Sec~~ Chairman,
Secunderabad.
2. The Senior Personnel Officer,
South Central Railway,
Secunderabad.
3. The Chief Personnel Officer,
S.C.Railway,
Secunderabad. .. Respondents

COUNSEL FOR THE APPLICANT: Mr. V.V.L.N.Sarma

COUNSEL FOR THE RESPONDENTS: Mr. K.Ramulu, SC for Railways

CORAM:

Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.)

JUDGMENT OF THE (SINGLE) MEMBER BENCH DELIVERED BY THE HON'BLE
SHRI T.CHANDRASEKHARA REDDY, MEMBER(JUDL.)

No. 1344/1991

This Miscellaneous Application is filed by the
applicant to condone the delay of two years in filing
this Original Application.

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2. The applicant has filed the present O.A. to declare the action of the respondents in not giving the posting orders to the applicant as Assistant Station Master as illegal and in the alternative not providing an alternative job to the applicant as illegal, arbitrary and discriminatory.

3. The facts as narrated in this OA disclose that the applicant was selected for a temporary appointment to the post of Assistant Station Master as early as in 1988. The facts also further disclose that in the medical examination the applicant was declared to be colour blind and on this ground the applicant had not been appointed for the said post of Assistant Station Master as he was not found suitable. To the representation made by the applicant, there seems to have been no response from the respondents. So, the present O.A. is filed for the said reliefs. There is a delay of two years in filing this O.A. and as already indicated the present M.A.No.1344/91 is moved to condone the delay of two years in filing the O.A.

4. In the affidavit accompanying the M.A., the applicant had pleaded that the entire process of selection was over in the year 1988 and that he was not given posting order holding that he was not eligible on account of medical Board's opinion that he was suffering from colour blindness and that the principal content interalia others is that he should have been ^{considered in the} alternative

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for any other suitable post. He has also further pleaded in the affidavit that the applicant had been going round the offices of the respondents submitting representations from time to time and that he had submitted representations on 30.5.1988, 25.6.1988, 16.8.1988, 10.10.1988, 3.12.1988, 5.4.1989, 7.9.1989, 6.12.1989, 8.3.1990, 7.7.1990, 15.12.90, 14.2.1991 and 25.4.1991 without any avail. He has also further averred that his last representation was on 25.4.1991. According to the applicant, there is no delay in filing this O.A., and if there is a delay in filing this O.A. he prays to condone the said delay (two years).

~~_____~~

(5) Today, we have heard in detail Mr. V.V.L.N. Sarma, learned counsel for the applicant and Ms. Mahalaxmi, for Mr. K. Ramulu, learned Standing Counsel for the Respondents. At the outset, we may point out that repeated representations do not extend the period of limitation. The applicant has failed to make out sufficient cause for the enormous delay of two years in approaching this Tribunal. In view of this position, the M.A.No.1344/91 is liable to be rejected and is accordingly rejected.

(6) We have also applied our mind to the facts of this case. The learned counsel Ms. Mahalaxmi appearing

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Copy to:-

1. Chairman, Railway Recruitment Board, Secunderabad.
2. The Senior Personnel Officer, South Central Railway, Secunderabad.
3. The Chief Personnel Officer, S.C.Railway, Secunderabad.
4. One copy to Sri. V.V.L.N. Sarma, advocate, 3-4-524, Barkatpura, Hyderabad-27.
5. One copy to Sri. K.Ramulu, SC for Railways, CAT, Hyd-bad.
6. One copy to Hon'ble Mr. T.Chandra Sekhar Reddy, Judicial Member, CAT, Hyd.
7. One spare copy.

Rsm/-

Handwritten signature/initials

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for the respondents stated that due to the colour blindness, the applicant is suffering from, that the applicant had not been appointed to the said post of Assistant Station Master. The fact that the applicant is suffering from colour blindness is not in dispute. So, in view of this position also, we see no merits in this O.A. The alternative relief also cannot be granted to the applicant in view of the fact that the applicant had not worked even for a short period in the post of Assistant Station Master, ~~as he was not appointed to the said post.~~ ~~As~~ the M.A. No.1344/91 is rejected, this O.A. also is liable to be rejected on the ground that it is barred by limitation and accordingly the O.A. is rejected ~~as barred by limitation.~~ No order as to costs.

(Dictated in the open Court).

T. Chandrasekhara Reddy
(T.CHANDRASEKHARA REDDY)
MEMBER (JUDL.)

DATED: 28th July, 1992.

8/8/92
Deputy Registrar (Judl.)

vsn

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