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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 12.07.2000

OA No.478/1993

Gopi Chand S/o Shri Birdi Chand aged 36 years r/o B-33, Vijaya Nagar, Kartarpur, Jaipur.

.. Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager, Western Railway, Jaipur.

.. Respondents

Mr. Amit Mathur, Proxy counsel to Mr. R.N.Mathur, counsel for the applicant.

Mr. Hemant Gupta, Proxy counsel to Mr.M.Rafiq, counsel for the respondents

CORAM:

Hon'ble Mr. Justice B.S.Raikote, Vice Chairman

Hon'ble Mr. N.P.Nawani, Administrative Member

ORDER

Per Hon'ble Mr. Justice B.S.Raikote, Vice Chairman

Applicant has filed this application for a direction to regularise his services against the vacancy of 1979-80 or against the subsequent vacancy of the year 1984-85. The second prayer is that there should be directions to the respondents to include his name in the seniority list of Typists.

2. In the application, the applicant has stated that he was appointed in Class-IV category in the year 1974 and he was promoted on ad-hoc basis as a Typist in the year 1979. In the test conducted in the year 1984 he has qualified for the post of Typist but his services were not regularised. Meanwhile, he was demoted. That order he challenged before this Tribunal in
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OA- No. 360/91 and that OA was disposed of vide order dated 16.10.1992 with a direction to regularise the services of the applicant in the vacancy of Typist falling in the ranker's quota in the general category. Thereafter, again the applicant was reverted. In those circumstances, the applicant filed another OA in 387/95 for regularising his services but meanwhile his services were regularised by the respondents vide order dated 18.11.1996 and in those circumstances, the earlier OA was dismissed as having become infructuous. Therefore, the applicant now filed the present OA for directions as sought in the relief column.

3. By filing a counter, the respondents have denied the case of the applicant. We find that so far as the first prayer of the applicant is concerned, the same is barred by time. The applicant prays for regularisation of his services against vacancy of 1979-80 or against subsequent vacancy for the year 1984-85 but the application itself was filed in the year 1993. From this fact, it follows that this relief is barred by time. Next relief of the applicant is for a direction to include his name in the seniority list of Typists. His complaint is that his name is not being included in the seniority list of the Typists. It is difficult for us to express any opinion at this stage, since we do not know why the respondents are not including his name in the seniority list of Typists. In the circumstances, we think it appropriate to direct the applicant to make a representation for including his name in the seniority list of the Typists and on such representation being made, the respondents shall consider the same. Accordingly, we dispose of this application as under:

So far as the relief No. 1 is concerned, the application is dismissed. Regarding relief No. 2,

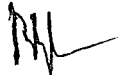
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there shall be directions to the applicant to file one representation within a period of one month from today and thereafter respondents consider the representation of the applicant within a period of 3 months. No costs.



(N.P. NAWANI)

Adm. Member



(B.S. RAIKOTE)

Vice Chairman