

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA 310/2003

DATE OF ORDER: 2/9/2003

Bhoori Singh son of Shri Hari Singh aged about 44 years. Resident of Village Khadra Post- Kumbhari, Via-Sever, District, Bharatpur at present employed on the post of Assistant Yard Master, Kota Division.

.... Applicant

VERSUS

1. Union of India through General Manager, Central & Western Railway, Jaipur.

2. Divisional Railway Manager, Central Western Railway, Kota Division, Kota.

3. Sr. Divisional Operating Manager, Central Western Railway, Kota Division, Kota.

.... Respondents

Mr. Shiv Kumar, Counsel for the applicant.

CORAM:

Hon'ble Mr. S.K. Agarwal, Member (Administrative).

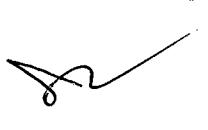
Hon'ble Mr. M.L. Chaudhary, Member (Judicial).

ORDER (ORAL)

The applicant has filed this OA seeking relief to direct the respondents to take the applicant on duty forthwith and he may also be paid salary and other allowances w.e.f. 18.12.1991 to till he is taken on duty.

2. The facts of the case are that the applicant was actually appointed on the post of TNC on 23.11.1979. Thereafter he was promoted as Assistant Yard Master in the year 1988. Thereafter the applicant fell ill on 28.10.1988 and remained sick upto 12.12.1991. A Medical Certificate was issued by Dr. Ramesh Chaturvedi. It is further stated by the applicant that he submitted duty certificate issued by the Railway Doctor dated 17.12.1991 but he was not allowed to join the duties.

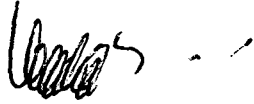
The grievance of the applicant is that the respondents have not taken any action in his case as neither the applicant has been communicated any reasons nor he has been taken on duty. The applicant is facing hardship for none of his fault. Since the applicant is facing hardship, he has approached this Court for necessary relief.

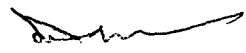


3. The learned counsel for the applicant could not satisfactorily explain the reasons for not filing this OA in the year 1991 when the applicant was fit to join the duty. For almost twelve years, the applicant did not approach any legal forum for seeking relief after 1991 for taking him in employment. The OA is hopelessly time barred.

4. We have considered all the facts of the case and submissions made by the applicant's counsel.

5. In our view, the OA is hopelessly time-barred and did not have any merit. The OA is accordingly dismissed at the admission stage.


(M.L. CHAUHAN)
MEMBER (J)


(S.K. AGARWAL)
MEMBER (A)