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CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH,
JABALPUR

Original Application No. 857 of 2006

Jabalpur, this the 12th day of December, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble Mr. M.K. Gupta, Judicial Member

Vijay, S/o. Harishankar,
Aged about _____ years,
R/o. Qr. No. 156, Sanjay Nagar,
Behind Power House, Purani
Chungi, Near Best Kirana Store,
Adhartal, Jabalpur.

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Applicant

(By Advocate – Shri H.R. Bharti)

V e r s u s

1. Union of India, through
General Manager, Western
Central Railway, Jabalpur.
2. Divisional Railway Manager,
Western Central Railway,
Jabalpur.

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Respondents

(By Advocate – Shri M.N. Banerjee)

ORDER (Oral)

By Dr. G.C. Srivastava, Vice Chairman –

This Original Application has been filed being aggrieved by the applicant's non-selection under the ex-card holder employee recruitment scheme in 2003.

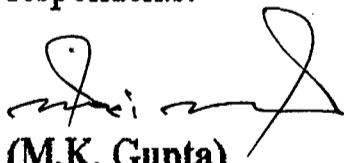
2. The case of the applicant is that he was a casual labour in the Railways from 25.1.1980 to 4.3.1987 and under the scheme of recruitment of ex-card employees he was called for screening and medical test in the year 2003. He was selected for a Group-D post, but in medical examination he was declared unfit in B-1 category but was declared fit in B-2 category. This medical certificate was issued on



20.6.2003 (Annexure A-4). Thereafter, as per the applicant, he tried for getting appointment in B-2 category but the respondents have not given him any appointment so far. The learned counsel for the applicant admitted that the first written request was made by the applicant on 10.4.2006 (Annexure A-5 and A-6) but there has been no response from the authorities.

3. We notice that the medical certificate was issued on 20.6.2003 and the first time that the applicant made any effort to get appointment was on 10.2.2006 i.e. after lapse of almost three years. Since the applicant has been keeping silent for these three years and has not taken any steps or made any representation to the authorities for getting employment, he cannot now approach this Tribunal for relief. Even application for condonation of delay has not been filed by the applicant. As laid down by the apex court in Ex Capt. Harish Uppal Vs. UOI & Ors. (JT 1994(3) SC 126), "parties should pursue their rights and remedies promptly and not sleep over their rights - If they choose to sleep over their rights and remedies for an inordinately long time, the court may well choose to decline to interfere....".

4. In view of these facts, we do not find any merit in this Original Application and it is accordingly dismissed at the admission stage itself. Shri M.N. Banerjee appeared and was heard on behalf of the respondents.


(M.K. Gupta)
Judicial Member


(Dr. G.C. Srivastava)
Vice Chairman

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पृष्ठान्त सं ओ/न्या.....जबलपुर, दि.....

पटिलिपि कायो विता:-

- (1) सचिव, न्यायिक प्रशासन, जबलपुर
- (2) सचिव, न्यायिक प्रशासन, जबलपुर
- (3) प्रत्यक्षी, न्यायिक प्रशासन, जबलपुर
- (4) सचिव, न्यायिक प्रशासन, जबलपुर

सूचना एवं आवश्यक कार्यवाही हेतु
उप रजिस्ट्रार

H.R. Bhatti
M.N. Banerjee
A.R. Bhatti

28/11/06
in 15/11/06