

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

original Application No. 201 of 2003

Jabalpur, this the 7th day of April 2003

Hon'ble Shri R.K. Upadhyaya -- Member (Admnv.).
Hon'ble Shri A.K. Bhatnagar -- Member (Judicial).

Mahendra Kumar Dongre,
S/o. Late Shri O.P. Dongre (Ex.
Driver Spl. A.), Aged 38 years,
R/o. State Bank Colony,
H.No. 367/2, Jabalpur.

... Applicant

(By Advocate - Shri H.R. Bharti)

V e r s u s

1. Union of India,
Through Secretary (Estt.),
Railway Board, Rail Bhawan,
New Delhi.
2. General Manager,
Through Chief Personal Officer,
H.Qrs. Office, Central Railway,
Mumbai (CST).
3. Divisional Railway Manager,
Central Railway, Jabalpur (M.P.).
4. Assistant Personal Officer,
DRM's Office, Central Railway,
Jabalpur (M.P.).

... Respondents

O R D E R (Oral)

By A.K. Bhatnagar, Member (Judicial) :

This Original Application has been filed under Section 19 of the Administrative Tribunals Act for seeking a direction to the respondents to offer appointment to the applicant as he was already been selected for the post of Diesel Cleaner.

2. The brief facts giving rise to this Original Application is that, as per the applicant he was selected for the post of Diesel Cleaner and was called for medical

examination vide letter dated 13/03/1985 (Annexure A/1) and through a Telegram dated 11/07/1985 (Annexure A/9), but due to some unavoidable family reasons he could not appear in the medical examination as desired and as directed by the respondents. ~~Non-availability of appointment~~ As per the application he offered for the job vide letter dated 18/08/1986 addressed to the D.R.M. (Mech), Jabalpur requesting him to permit ~~Non-availability of appointment~~ to join the post, but it had no response. Ultimately the applicant made a representation to CPO Members vide Annexure A/11 and personally approached the General Manager's Office at Mumbai and narrated the entire facts and circumstances. After hearing the applicant General Manager's office issued a letter dated 29/11/2001 (Annexure A/2) to D.R.M., Jabalpur handing over a copy to the applicant in person. Aggrieved by the non-reply of Annexure A/2 the applicant filed this Original Application.

3. We have heard the learned counsel Shri H.R. Bharti for the applicant and perused the record before us very minutely. The applicant was issued a letter for appointment on the post of Diesel Cleaner with a direction to appear on 18/03/1985 at 10 A.M. for medical examination. It is clearly mentioned in the letter dated 13/03/1985, that if the applicant does not appear in the medical examination alongwith the required certificates then his name will be struck off from the panel. It is admitted by the applicant in paragraph 4.8 of the original application that due to certain unavoidable domestic reasons the applicant could not appear in the medical examination as required. The applicant has filed Annexure A/10, dated 18/08/1986 addressed to the D.R.M. (Mech.), Jabalpur which is itself a self explanatory letter which reads as under :

"Although your honour gave me a chance to join as diesel cleaner (selected in selection held in Jabalpur) but due to my ignorance and high

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thinking of business in selling of T.V. parts, and opening a radio repairing shop, I did not join. I did not get success in business.

Then I went to Pandhurna and joined Pre-Technical Coaching classes and passed in Telephone operators examination in 1985 and stood second. This institution is affiliated with Commercial University, Delhi (Incorporated under Central Act VII of 1913 in 1949).

I have also passed examination of electrical Radio and also having a knowledge of T.V.

I have passed BA II in economics.

Sir, I am rileasing my mistake for not joining the service. Now I am out of employment and there is no other means of earnings. We are only depending upon the pension of my father".

This letter shows that the applicant was more interested in doing business than the service in Railways. When he could not get success in the business he filed this application before the officer concerned. The applicant has also filed his letter dated 10/01/2001 which was regarding his appointment made on the post of Diesel Cleaner on 13/03/1985 after about $5\frac{1}{2}$ years, which also shows that he was selected for the post of Diesel Cleaner in 1985 but did not join it due to his family circumstances. After being selected he went to Delhi University for training of an Telephone Operator, then started working in Electronic shop, for about 3-4 years and applied in Railways on 10/01/2001 as he was keen to join the Railway service.

3.1. The applicant has also filed Annexure A/2 which is a letter addressed to DRM(P), Jabalpur by Shri S.S. Kadam, Chief Personnel Officer (Mech.). The applicant has filed Annexure A/6 which is a mark sheet obtained by the applicant from Rani Durgawati Vishwavidyalaya, Jabalpur dated 20/07/1987, Annexure A/7 Training Certificate of Ultra Radio Institute, which he completed in 14/03/1982 and a Telephone Operator Certificate from Commercial University Limited as Annexure A/8 issued on 25/06/1985. Annexure A/8

clearly belies the ~~version~~ given in the letter Annexure A/10.

Now it is clear from the original application itself that the applicant did not appear in the medical examination for selection on the post of Diesel Cleaner due to his own interest in business. The applicant has filed this original application on 25/03/2003 after a lapse of about 7 years from the date of cause of action arose. In view of the aforesaid the original application is grossly time barred and liable to be dismissed being devoid of merits also.

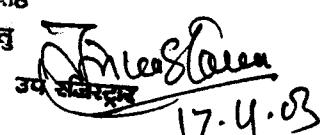
4. In view of the aforesaid the original application is rejected as highly time barred and devoid of merits at the admission stage itself, with no order as to cost.

(A.K. BHATNAGAR)
MEMBER (J)


(R.K. UPADHYAYA)
MEMBER (A)

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पूरांकन सं. ओ/व्या..... जबलपुर, दि.....
परिविवाहि..... जबलपुर, दि.....
(1) रामिक, दृष्टि, जबलपुर, दि.....
(2) एक्सेस एक्सेस, जबलपुर, दि.....
(3) प्राप्ति एक्सेस, जबलपुर, दि..... के काउंसल Mr. H.R. Shanti, Adu.
(4) अंकुर, लोधी, जबलपुर उपायोगीठ
सूचना एवं आवश्यक कार्यवाही हेतु


17.4.03
उप. सचिव

Received
on 21/4/03