

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 269 of 2003

Jabalpur, this the 6th day of May 2003

Hon'ble Shri R.K. Upadhyaya - Administrative Member.
Hon'ble Shri J.K. Kaushik - Judicial Member.

Ban Bihari Lal, S/o. Shri Pyarelal,
Aged about 60 years, working as
A.C.R.s, Bhopal Division, Bhopal (M.P.)
(Presently posted as Data Base
Inspector).

... Applicant

(By Advocate - Shri Punit Shroti)

V e r s u s

1. Union of India, Ministry of
Railways, Through its Secretary,
Rail Bhawan, New Delhi.
2. The Chief Personnel Officer,
Central Railway, C.S.T. Mumbai.
3. The Divisional Railway Manager,
Central Railway, Bhopal M.P.

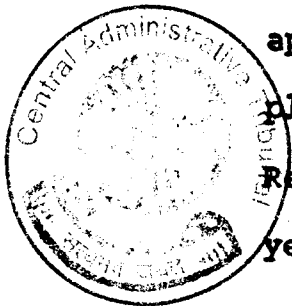
... Respondents

O R D E R (Oral)

By J.K. Kaushik, Judicial Member :-

Shri Ban Bihari Lal has filed this original application praying therein the respondents be directed to place the applicant on the post of Chief Enquiry cum Reservation Supervisor Grade Rs. 6500-10500 (RSRP) from the year 1998 with all consequential benefits.

2. The brief facts of the case are that the applicant was initially appointed on 20/11/1965 as a Booking Clerk after facing the selection by the Railway Service Commission. He was brought in the cadre of ECRS in 1979. A selection was organised for the vacant post of Chief Enquiry cum Reservation Supervisor Grade Rs. 6500-10500 (RSRP) in the year 1998. The applicant was called for being

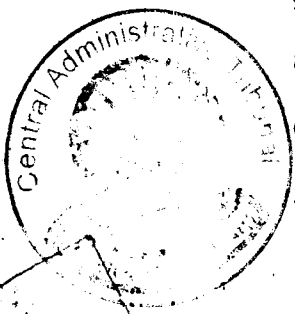


interviewed but he has failed and his juniors were selected. In an another selection which was notified on 13/04/1999 the applicant was called for appearing in the selection. The selection was held on 08/05/1999 with supplementary examination on 15/05/1999.

3. The further facts of the case are that on 08/05/1999 (SIC 08/07/1999) the applicant was not able to appear in the examination because he was not relieved due to some administrative reason and on 15/05/1999 (SIC 15/07/1999) he became ill and was hospitalised. Thereafter he was not called to appear in the examination. The applicant sent a legal notice through his counsel on 07/08/2002 which remained undecided.

4. We have heard the learned counsel for the applicant at considerable length and have carefully perused the records of this case.

5. At the very outset the learned counsel for the applicant was confronted with the question relating to the maintainability of this original application on the ground of limitation. The applicant submitted that a representation was made in the matter through his counsel on 07/08/2002 and the same is not yet been decided and therefore the original application is within the limitation. He also reiterated the facts narrated in the original application and has submitted that a great injustice has been done to him in as much as he has not ^{been} considered and number of his juniors has been promoted. He has also drawn our attention ^{mentioned} to Annexure A/7 wherein it has been ~~stated~~ that the applicant who failed in first attempt was not relieved in the second chance.



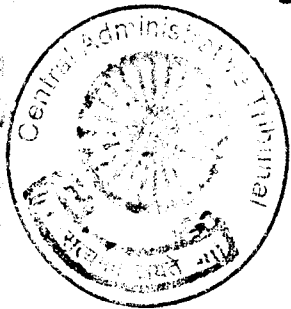
7. In the premises, we are of firm opinion that original application is hopelessly time barred and the same deserves to be dismissed as hit by law of limitation itself, without going on merits. The OA stands dismissed in limine accordingly.

Sd/—

(J.K. KAUSHIK)
JUDICIAL MEMBER

Sd/—

(R.K. UPADHYAYA)
ADMINISTRATIVE MEMBER



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

प्रतिनिधि काफ़े पित:-

- (1) रजिस्ट्रार, जबलपुर
- (2) सहायक रजिस्ट्रार, जबलपुर
- (3) जिला मजिस्ट्रेट, जबलपुर
- (4) जिला मजिस्ट्रेट, जबलपुर

सूचना एवं आवश्यक कार्रवाई हेतु

उप रजिस्ट्रार