

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

C.P. No. 35/2017  
O.A. No. 3125/2014

New Delhi, this the 10<sup>th</sup> day of February, 2017.

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)**  
**HON'BLE MR. P.K. BASU, MEMBER (A)**

Prem Joseph (Aged 75 years)  
S/o Late Shri Joseph  
Ex-Fireman 'C' Group D Loco Shed  
Tughlakabad, Delhi Division,  
Northern Railway,  
Resident of E-51, House No. 12  
Mangi Rajapur, Sarai Kalaekhan,  
Delhi-110013.

.. Petitioner

(Petitioner appeared in person)

Versus

1. Sh. S. C. Mittal  
Chairman, Railway Board  
Ex-Officio Principal Secretary  
Ministry of Railways,  
Rail Bhawan  
New Delhi -110001.

2. Sh. R. K. Kulushresthan  
General Manager, Northern Railway,  
Baroda House,  
New Delhi-110001.

3. Sh. Arun Arora  
Divisional Railway Manager  
Northern Railway,  
State Entry Road  
New Delhi – 110055.

.. Respondents

**ORDER (ORAL)**

**By Mr. V. Ajay Kumar, Member (J)**

Heard the petitioner in person.

2. The O.A. No.3125/2014 filed by the applicant was disposed of on 27.09.2016 as under:

"4. From the letter dated 27.01.2009, one thing is clear that the applicant was in Government service and he was absenting himself from duty from the year 1986. Therefore, the respondents have to consider the period of 25 years of service with the Govt. but at the same time, it is acknowledged that since the records are destroyed, the applicant will have to co-operate with the respondents to provide whatever documents that are available with him to establish the period of service as well as leave etc. taken by him. Therefore, this OA is disposed of with a direction to the applicant to reply to the respondents' letter dated 29.02.2012 and provide whatever documents are available with him to the respondents for them to take a view in the matter. The applicant should make such a representation along with documentation within a period of 30 days from the date of passing of this order and the respondents shall take a decision on that within a period of 90 days from the date the documents are provided by the applicant."

3. In compliance of the aforesaid order, though the applicant made a representation, but as he has not produced any record before the respondents, the respondents have passed an order dated 17.01.2017, a copy of which is produced by the petitioner today, which reads as under:

"In compliance of this, you had submitted your representation dated 07.10.2016 along with 39 Annexures. However all these annexures are already existing in DRM office. No new records have been provided. In light of this, it is being informed once again that your case pertains to year 1986. After a period of 30 years you have submitted the representation regarding your settlement dues/pensionary benefit.

In view of the vintage nature of your request this office is not in a position to lay hands on your service record/personnel file. In absence of service record/other records your case cannot be processed further, your request is badly time barred. As per

instructions contained in P.S. No.1666, such records are not maintained.

Hon'ble CAT orders are hereby complied with.”

4. In the aforesaid circumstances and in view of the inability of the petitioner to produce any proof of his past service, as indicated by the respondents in the aforesaid order, we do not find any willful disobedience of the orders of this Tribunal.

5. In the circumstances, the C.P. is closed. However, the petitioner is at liberty to question the order now passed by the respondents, if he is so advised, in accordance with law.

**(P.K. BASU)**  
**Member (A)**

**(V. AJAY KUMAR)**  
**Member (J)**

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