

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/120/2019

DATE OF ORDER: 14.03.2019

CORAM

HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER
HON'BLE MR. A. MUKHOPADHAYA, ADMINISTRATIVE MEMBER

Arjun Lal Bairwa S/o Sh Ram Sahai Bairwa r/o Kundera Doongar
Tehsil Sikrai Distt. Dausa (Raj.) aged about 39 years, Ex
Licensed Porter Vidisha (Bhopal Division).

....Applicant

Mr. S.K. Bhargava, counsel for applicant.

VERSUS

1. Union of India through the Chairman, Railway Board Rail Bhawan New Delhi 110001.
2. The General Manager, West Central Railway, Jabalpur – 482068 MP
3. Divisional Rail Manager, West Central Railway, Divisional Office Bhopal – 462001.

....Respondents

ORDER (Oral)

Per: Suresh Kumar Monga, Judicial Member

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking therein the following relief: -

- "a. To direct the respondents to appropriate action to absorb the applicant as Gangman as per the Policy framed by the Railway Board.
- b. To grant any other relief as the Hon'ble Tribunal deems fit and proper, keeping in view the poverty stricken applicant from the Scheduled Cast community who comes from a remote country side.

- c. Alternatively the applicant may be restored his original Job as Coulie returning his Badge. "

2. It has been averred that the applicant was working as a Licensed Porter at Vidisha Railway Station in Bhopal Division of the West Central Railway. Pursuant to a policy decision of the respondents circulated vide RBE No. 50/2008, he had submitted his application for appointment as Gangman on 15.04.2008. Since there was no response from the respondents, therefore, he gave representations to Hon'ble Railway Minister on 25.07.2008 as well as to Divisional Railway Manager, Bhopal Division on 02.03.2009. He also got issued a legal notice through his counsel on 18.03.2016. Pursuant to said legal notice, the respondents issued a letter dated 28th July, 2016 (Annexure A/11) whereby it was informed that after inquiry, no record of the applicant was found at Vidisha Railway Station. Thereafter, the applicant again got issued a legal notice through his counsel on 23.07.2018, which has not been replied by the respondents. Aggrieved by the said inaction, the applicant has preferred the present Original Application.

3. A perusal of the policy guidelines circulated vide RBE No. 50/2008 dated 01.04.2008 reveals that the exercise with regard to appointment of Licensed Porters to the post of Gangman was to be completed within a period of two months. After expiry of the period of those two months, a cause of action had accrued in favour of the applicant but he failed to avail the remedy within the prescribed limitation period. Instead, he opted to move successive representations followed by a legal notice dated 18.03.2016. The legal notice dated 18.03.2016 was duly replied

by the respondents and the applicant's counsel was informed that nobody in the name of Arjun Lal Bairwa (applicant herein) was ever appointed as Licensed Porter at Vidisha Railway Station. Neither anybody by the said name has been working. After getting the said reply from the respondents, the applicant still failed to avail the remedy available to him.

4. The present Original Application has been filed without even making a prayer for condonation of delay by way of a separate Misc. Application. In our considered view, the successive representations and legal notices cannot extend the period of limitation to avail the remedy under the provisions of the Administrative Tribunals Act, 1985.

5. In view of the above, the Original Application is dismissed being barred by limitation. No order as to costs.

(A. MUKHOPADHAYA)
ADMINISTRATIVE MEMBER

(SURESH KUMAR MONGA)
JUDICIAL MEMBER

Kumawat