

**Central Administrative Tribunal
Madras Bench**

OA 310/01635/2018 & MA 310/00676/2018

Dated Wednesday the 19th day of December Two Thousand Eighteen

P R E S E N T

**Hon'ble Mr. R.Ramanujam, Member(A)
&
Hon'ble Mr. P. Madhavan, Member (J)**

P. Ramachandran
No. 14, Thiruvallur Street
ESI Car Sheet Complex, Annanur
Chennai – 600 109. .. Applicant

By Advocate **M/s. B. Srinivasan**

Vs.

1. Union of India
Rep. by its General Manager
Southern Railway
Headquarters Office
Chennai – 600 003.
2. The Senior Divisional Personnel Officer
Divisional Railway Manager's Office
Personnel Branch, Headquarters Office
Southern Railway, Chennai – 600 003.
3. The Chief Vigilance Inspector
General Manager's Office
Vigilance Branch, Chennai – 600 003.
4. The Deputy Chief Personal Officer
Headquarters Office, Personnel Branch
Chennai – 600 003. .. Respondents

ORAL ORDER

Pronounced by Hon'ble Mr. R. Ramanujam, Member(A)

Heard. MA 676/2018 to condone delay of 535 days in filing the OA is allowed.

2. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- “i. To call for the records of the 4th respondent pertaining to the order made in PB/CS/113/Substitutes/Representation dated 03.05.2016 and set aside the same, consequent to;
- ii. direct the respondents to appoint the applicant as substitute helper in the Electrical General Service/Madras Division group 'D' Service; and
- iii. To pass such further orders”

3. It is submitted that the applicant was selected to be engaged as a substitute Helper and the decision was conveyed to him by Annexure A1 and A2 letters dated 13.07.2007 and 30.06.2008. However, the applicant was never appointed thereafter. The applicant made Annexure A3 representation dated 15.02.2016 addressed to the Prime Minister and he received Annexure A4 reply dated 03.05.2016 wherein it had been stated that the case files pertaining to the engagement of substitutes were called by the Vigilance Department and it was found that due procedure for engagement had not been followed. Accordingly, the competent authority had declined to appoint the candidates.

4. The grievance of the applicant is that the applicant had not been provided the details of the Vigilance report and the basis of the conclusion that due procedure was not followed.

5. We have considered the case. The matter pertains to the year 2007 and there was no action on the part of the applicant till 2016 when he made a representation to the Prime Minister. The representation had been duly replied to with the statement that the engagement of substitute in 2007 was not in accordance with the procedure laid down and, therefore, he could not be appointed.

6. No case is made out for interference by the Tribunal after 10 years of the alleged cause of action. OA is misconceived and is accordingly dismissed.

(P. Madhavan)
Member (J)

19.12.2018

(R. Ramanujam)
Member (A)

AS