

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA  
OA/050/00080/16**

Date of Order: 13.09.2019

**C O R A M**

**HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER  
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

Ashutosh Pandey, Son of Sri S.P. Pandey, Divisional Electrical Engineer/TRD, East Central Railway, Dhanbad, Resident of 575/DEF, New TRS Colony, Gomoh, District- Dhanbad- 828401.

.... **Applicant.**

By Advocate: - Mr. M.P. Dixit

-Versus-

1. The Union of India through the Chairman, Railway Board, Ministry of Railway, Rail Bhawan, New Delhi.
2. The Secretary, Railway Board, Ministry of Railway, Rail Bhawan, New Delhi.
3. The Director, Establishment (Gazetted Recruitment), Railway Board, Ministry of Railway, Rail Bhawan, New Delhi.
4. The Member (Electrical), Railway Board, Ministry of Railway, Rail Bhawan, New Delhi.

.... **Respondents.**

By Advocate: - Mr. Ram Kinker Choubey

**O R D E R  
[ORAL]**

**Per Dinesh Sharma, A.M:-** The facts of this case, in brief, are as follows:-

2. The applicant was selected for appointment to the Indian Railway Service of Electrical Engineers (IRSEE) on the basis of Engineering Service Examination 2007. However, in spite of his reporting for joining within six months of his offer of appointment dated 01.12.2008, his joining formalities were not completed because of lack of sufficient papers relieving him from his earlier job at MTNL, Mumbai. On reporting for joining on 30.05.2009

he was given two weeks' time for completion of joining formalities. However, since he could not organise to produce the relevant documents, he asked for one-month further extension. However, he was informed by the Railway Board's letter dated 06.07.2009 that his offer of appointment automatically stands cancelled on the expiry of six months and is hereby withdrawn and treated as cancelled. The applicant had, in the meanwhile, already appeared for the same Engineering Service Examination, 2008 and having got selected through that examination and interview process he was again appointed to this service against Engineering Service Examination, 2008. The applicant made a request to the Railway Board for revival of his offer of appointment against IRSEE 2007 batch by a representation dated 24.10.2011. However, the same was not allowed and he was informed by a letter dated 15.12.2011 that it has not been found tenable to revive the offer of appointment on the basis of IRSEE, 2007. It appears that applicant again sought information under the RTI Act relating to his request for treating his appointment against IRSEE 2007 batch, but the information was not provided to him. The applicant has now approached this Tribunal for directing the respondents to back/ante-date the appointment for the applicant to IRSEE on the basis of Engineering Service Examination, 2007.

3. The respondents have denied the claim of the applicant. They have stated that despite having been issued the offer of appointment dated 01.12.2008 on the basis of Engineering Service Examination, 2007 he was not able to furnish the mandatory No Objection Certificate from his employer MTNL. He could not do so despite being advised to complete the

formalities within two weeks. Under this situation the offer of appointment automatically stood cancelled on 01.06.2009. The respondents have also stated that the application is hopelessly barred by the limitation period prescribed under Section 21 of the AT Act.

4. The applicant has filed a rejoinder in which besides reiterating his case, he has alleged that the genuine grievance of the person cannot be thrown out merely on technicality.

5. We have gone through the pleadings and heard the arguments of the learned counsel of both the parties. This is obviously a case of applicant not being allowed to join following the offer of appointment dated 01.12.2008 since he could not furnish all the required documents for completion of joining formalities within six months of this offer of appointment. It is also clear that when the respondents did not accept his request for further grant of time he reconciled to this fact and later has joined this service following his success in the examination held for the year 2008. The applicant has apparently not raised this issue of appointment till the year 2011 when he made his request regarding revival of offer of appointment. He was informed about the rejection of this request in the year 2011 itself by letter dated 15.12.2011 (Annexure A/6). Right of applicant to claim appointment on the basis of his success in the examination of the year 2007 arose when he was not allowed to join and his request for extension of time was rejected by the letter dated 06.07.2009. The applicant did not agitate for his claim at that time nor did he approach this Tribunal when his request for revival of his claim was

categorically rejected in the year 2011. His argument that it is within the period of limitation on ground that in response to his letter seeking information under RTI Act he was denied this information by letter dated 05.12.2015 (and hence his OA is within limitation) is *prima facie* a very weak ground and therefore is not maintainable. This OA, filed 7 years after the initial cause of action arose, now without even filing any request for condonation of delay ( if he had any ground for such condonation) is certainly not admissible under Section 21 of the AT Act, 1985. The OA is, therefore, dismissed. No order as to costs.

**[ Dinesh Sharma ]  
Administrative Member  
Sr.k.**

**[Jayesh V. Bhairavia]  
Judicial Member**