

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**JABALPUR**

**Original Application No.200/142/2020**

Jabalpur, this Monday, the 24<sup>th</sup> day of February, 2020

**HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER**  
**HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Badri Prasad,  
S/o Late Shri Gulab  
Aged 60 years  
R/o Village Kirawad  
Tehsil Bina, District Sagar,  
M.P. PIN Code 470113

**-Applicant**

(By Advocate –**Shri Sushil Kumar Jha**)

**V e r s u s**

1. Secretary, Westron Central Railway  
Rail Bhawan 256A Raisina Road,  
Rajpat Area, Central Secretariat,  
New Delhi 11001 Union of India, through
2. The General Manger Westron Central Railway,  
Zonal Office, Jabalpur (M.P.) PIN Code 482001
3. The Divisional Railway Manger,  
DRM Office Railway Station,  
Bhopal M.P. PIN Code 462001
4. Senior Divisional Engineer, DRM Office Railway Station  
Bhopal M.P. PIN Code 462001
5. Assistant Divisional Engineer, DRM Office  
Railway Station Bhopal M.P. PIN Code 462001
6. Assistant Divisional Engineer Railway,  
Railway Station, Guna M.P. PIN Code 473001      - **Respondents**

(By Advocate –**Shri A.S. Raizada**)

**O R D E R (Oral)****By Navin Tandon, AM:-**

The applicant was imposed with a punishment on 01.01.2003. Subsequently in mercy appeal, the competent authority had reduced the penalty vide order dated 20.03.2003 (Annexure A/3).

**2.** Learned counsel for the applicant brings it to our notice that he had represented to the respondents on 30.04.2018 (Annexure A/4) to set aside the punishment.

**3.** The applicant prays for the following reliefs:-

*“8.1 direct the respondents to raise the payment of the applicant by setting aside the excessive penalty imposed on him, by properly considering his case early as possible & consequential benefits.*

*8.2 grant any other relief which this Hon’ble Tribunal deems fit & proper looking to the facts & circumstances of the case.”*

**4.** Learned counsel for the respondents submits that this case is barred by limitation as final order was issued in the year 2003 and the applicant has approached this Tribunal on 16.09.2019. As per Section 21 of the Central Administrative Tribunal Act, 1985, limitation is of one year. Also M.A. No.200/112/2020 for condonation of delay filed by the applicant does not give any satisfactory explanation.

5. We have considered the matter.

6. In the present case, the cause of action arose in the year 2003. But the applicant chose not to approach the court of law earlier and has filed this OA in 2019.

7. Section 21 of the Administrative Tribunals Act, 1985 (for short 'the Act') deals with limitation for filing O.A. before this Tribunal, which reads as under:-

**“21. Limitation.- (1) A Tribunal shall not admit an application,-**

*(a) in a case where a final order such as is mentioned in clause (a) of sub-section (2) of section 20 has been made in connection with the grievance unless the application is made, within one year from the date on which such final order has been made;*

*(b) in a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of section 20 has been made and a period of six months had expired thereafter without such final order having been made, within one year from the date of expiry of the said period of six months.*

**(2) Notwithstanding anything contained in sub-section (1), where-**

*(a) the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates; and*

*(b) no proceedings for the redressal of such grievance had been commenced before the said date before any High Court.*

*the application shall be entertained by the Tribunal if it is made within the period referred to in clause (a), or, as the*

*case may be, clause (b), of sub-section (1) or within a period of six months from the said date, whichever period expires later.*

*(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), an application may be admitted after the period of one year specified in clause (a) or clause (b) of section (1) or, as the case may be, the period of six months specified in sub-section (2), if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period.”*

**8.** Section 21 of the Act has been considered by the Hon’ble Supreme Court in the case of **Union of India & Ors. v M.K. Sarkar**, reported in 2010 (2) SCC 58, wherein it has been said that limitation has to be counted from the date of original cause of action and stale matters should not be entertained. It has further been held as follows:-

*“The order of the Tribunal allowing the first application of respondent without examining the merits, and directing appellants to consider his representation has given rise to unnecessary litigation and avoidable complications. When a belated representation in regard to a ‘stale’ or ‘dead’ issue/dispute is considered and decided, in compliance with a direction by the Court/Tribunal to do so, the date of such decision can not be considered as furnishing a fresh cause of action for reviving the ‘dead’ issue or time-barred dispute. The issue of limitation or delay and laches should be considered with reference to the original cause of action and not with reference to the date on which an order is passed in compliance with a court’s direction. Neither a court’s direction to consider a representation issued without examining the merits, nor a decision given in compliance with such direction, will extend the limitation, or erase the delay and laches. Moreover, a court or tribunal, before directing ‘consideration’ of a claim or representation should examine whether the claim or representation is with reference to a ‘live’ issue or whether it is with reference to a ‘dead’ or ‘stale’ issue. If it is with reference to a ‘dead’ or ‘stale’ issue or dispute, the court/Tribunal should put an end to the matter and should not*

*direct consideration or reconsideration. If the court or Tribunal deciding to direct 'consideration' without itself examining the merits, it should make it clear that such consideration will be without prejudice to any contention relating to limitation or delay and laches. Even if the court does not expressly say so, that would be the legal position and effect."*

**9.** We have given our thoughtful consideration to the entire matter and find that there is no merit in the application for condonation of delay. Accordingly, the said application is rejected.

**10.** Since the application for condonation of delay has been rejected, this O.A. is barred by limitation.

**11.** Accordingly, this Original Application is dismissed in limine.

**(Ramesh Singh Thakur)**  
**Judicial Member**

**(Navin Tandon)**  
**Administrative Member**

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