

(10)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

RA No. 375 of 1994 IN
OA No. 26 OF 1994

New Delhi this 6th day of Dec. 1994.
Hon'ble Mr. S.R. Adiga, Member (A)

Shri S.C.Tehliani
S/o Shri Budh Lal
Carriage & Wagon Supdt.
Northern Railway, Delhi
R/o 250, Double Story, New Rajinder Nagar
New Delhi-60
(Through Shri B.K.Batra, Advocate)

.....Applicant

Versus

1. Union of India, through
General Manager
Northern Railway
Baroda House, New Delhi.
2. Divisional Rail Manager
Northern Railway
New Delhi.
3. Chief Medical Officer
Northern Railway
Central Hospital
New Delhi.
(Through Shri B.K.Agarwal, Advocate)

.....Respondents.

JUDGEMENT (By Circulation)

Hon'ble Mr. S.R. Adiga, Member (A)

This is an application bearing No. 375/94 filed by Shri S.C.Tehliani praying for review of judgement dated 19.9.94 S.C.Tehliani Vs. UOI OA No. 26/94.

2. In the OA, the applicant has prayed for re-fixation of pay from 1975 to a level drawn by his junior, one Shri T.R. Vasisth. In the impugned judgement, it was noticed that the claim of the applicant as per his own admissions was rejected by the respondents in September 1975 and again in 1976. The claim filed by him on the same ground in the Labour Court in 1978 was also rejected by order dated 30.3.1985. Thereafter, he filed another representation, which

again rejected in Oct. 1991. This OA itself was filed on 20.12.93 i.e. more than 2 years after the last rejection. It was noted that the cause of action related to 1975 which was outside the jurisdiction of the Tribunal. His prayer has also been rejected by the Labour Court in 1975 itself and it was well settled that repeated and unsuccessful representations do not enlarge the period of limitation. Further no reason had been given for the inordinate delay in filing the OA on 20.12.93 after the applicant's representation was rejected in October 1991 and no petition for condonation of delay had been filed either. Hence the OA was dismissed on grounds of lack of jurisdiction, limitation and laches.

3. The grounds taken in the review petition is that pay is a recurring grievance and the applicant has prayed for notional fixation of pay with arrears for only a limited period. As regards the delay in filing the OA, it has been submitted that reason for filing the OA was that the applicant had submitted a representation on 24.7.91 to the Hon'ble Railway Minister and was awaiting receipt of a suitable reply, and when there was no response, he filed the OA on 22.12.93.

4. As is well settled, repeated and unsuccessful representations do not enlarge the period of limitation and the applicant's claim filed by him on the same ground in the Labour Court in 1978 was rejected by order dated 30.3.85. None of the grounds taken in the review application comes within the scope and ambit of order 47 Rule 1 CPC, under which alone the judgement of the Tribunal can be reviewed and under the circumstances this review application is rejected.

hifidg.
(S.R.ADIGE)
MEMBER(A)