

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.2439/96

New Delhi this the 15th day of April, 1997

Hon'ble Mr. K. Muthukumar, Member (A)
Hon'ble Dr. A. Vedavalli, Member (J)

1. Nand Kishore,
S/o Sh. Jaswant Rai,
R/o 413, Kashmiri Bagh,
Kishanganj, Delhi.
2. Salik Ram,
S/o Sh. Bahraichi,
R/o 338-C, Railway Colony,
Arya Nagar,
Ghaziabad, U.P.
3. Virender Kumar,
S/o Sh. Mangal Sain,
R/o 383/3, East Azad Nagar,
Delhi. ...Applicants

(By Advocate Shri K.N.R. Pillai)

-Versus-

1. Union of India through
the Secretary, Ministry of
Railways (Rly. Board),
New Delhi.
2. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
3. The Divl. Railway Manager,
Delhi Division,
Northern Railway,
New Delhi. ...Respondents

(By Advocate Shri R.L. Dhawan)

ORDER (ORAL)

(Hon'ble Mr. K. Muthukumar, Member (A))

Applicants, three in number, have filed this application along with permission to join in a single application which has been allowed. Applicants are seeking a direction to the respondents to fully implement the Railway Board's order dated 4.8.86 (Annexure A-III) in respect of category of posts "Greasers" on the Delhi Division by granting them revised grade-I and grade-II. Applicants have also filed a Miscellaneous Application for condonation of delay.

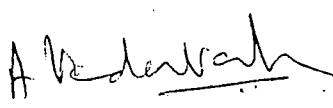
2. Respondents have opposed the condonation on the ground that cause of action for the applicants if at all, had arisen at the time when the post of Greasers were allocated on 30:35:35 in three grades by their order dated 24.9.87.

3. We have taken up both M.A. for condonation of delay as well the O.A. on merits.

4. Applicants' case is that they had made a representation on 21.3.95 seeking placement in the higher grade-I and grade-II of the allocated grade on the basis of the order dated 24.9.87. Learned counsel for the applicant submits that the respondents are even now saying that the matter is being considered by the Personnel Branch in consultation with the Electrical Department. The respondents, however, submit that the representation itself was made only in 1995 after a gap of almost eight years and, therefore, the application is clearly barred by limitation. We find that the applicants have not been given any reply to the representation dated 21.3.95 (Annexure A-II). Learned counsel for the respondents, however, admits that consequent on the distribution of the revised sanctioned strength of 30:35:35 in the three grades these applicants have been placed in the lowest grade of Rs.260-400 by orders dated 23.5.88 and 21.9.88 (Annexures A-I and A-II respectively). They should have represented against this even at that time, nor have they approached this Tribunal and they had represented only in 1995 and, therefore, the application is *prima facie* barred by delay and laches. Learned counsel for the applicants, however, submits that the applicants will be satisfied if

representation is given a careful consideration by the respondents and applicants are given a reasoned and speaking order on the said representation. The learned counsel for the respondents submits that although the applicants had delayed the representation, and had filed this application belatedly, the respondents would have no objection to consider that representation and give suitable reply to them. In the light of this submission, we dispose of this application with a direction to the respondents to consider the representation of the applicants dated 21.3.95 on merits and give a reply to them by means of a reasoned and speaking order within a period of three months from the date of receipt of a certified copy of this order. We also make it clear that on the basis of the reply given to the applicants by the respondents, the applicants cannot raise the same issue and if and when such an application is filed, it is open to the respondents to again raise this objection on grounds of limitation.

5. With these directions the application is disposed of. There shall be no order as to costs.


(Dr. A. Vedavalli)

Member(J)


(K. Muthukumar)

Member(A)

'Sanju'