

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

O.A. NO. 726/1996

M.A. NO. 1110/1996

(F)

New Delhi this the 17th day of October, 1996.

HON'BLE SHRI JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN
HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Aquil S/O Bunda,
Aligner under PWI, Hapur,
Under, DRB, Moradabad,
Northern Railway.

... Applicant

(By Shri H. K. Gangwani, Advocate)

-Versus-

1. Union of India through
General Manager,
Northern Railway,
Baroda House, New Delhi.

2. The Divisional Rly. Manager,
Northern Railway,
Moradabad.

3. The P.W.I.,
Northern Railway,
Hapur.

... Respondents

(By Shri B. S. Jain, Advocate)

The application having been heard on 17.10.1996
the Tribunal on the same day delivered the
following :

O R D E R

CHETTUR SANKARAN NAIR, J./CHAIRMAN —

O.A. 726/1996 is for a direction to respondents to
pay applicant the difference of pay between the pay of
Gangman and Aligner from 14.8.1983 to 15.7.1992, and
for other ancillary reliefs. The miscellaneous
application is to condone the delay in filing the
original application. According to applicant, he is
a poor man and unaware of the subtleties of court
proceedings, and hence the delay occurred. He would

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also say that those similarly situated have been granted the benefit claimed by him. In answer, respondents would submit that long delay stands in the way of applicant from getting relief, and also that principles of constructive res judicata stand in his way.

2. Notwithstanding the persuasive arguments of Shri Gangwani for applicant, we are unable to accept the contentions advanced by him. Applicant seeks relief with reference to a period going back by more than a decade. Belated claims causing financial impact on the administration cannot be granted. The Supreme Court has observed in State of Maharashtra vs. Digamber, AIR 1995 SC 1991 and in Secretary to Government of India vs. Shivram Madhu Gaikwad, 1995 SCC (L&S) 1148, that countenancing belated claims and imposing financial burden on the administration and taxpayer is not justified. For that sole reason, the application must fail.

3. There is much force in the contention based on constructive res judicata. However, we do not propose to enter a finding thereon.

4. The argument that others similarly situated have been granted the benefit claimed, can be answered by invoking the principles laid down in Bhoop Singh vs. Union of India, AIR 1992 SC 1414. Even if certain persons have been granted certain reliefs, that will be no justification for granting identical reliefs to others who have not put forward their claims in time. The Supreme Court pointed out that grant of

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such reliefs instead of enforcing Article 14, will be violative of that Article.

5. The original application and the application for condonation of delay are without merit and we dismiss the same.

Dated, the 17th October, 1996.

Replies :-
(R. K. Ahuja)
Member (A)

Handwritten
(Chettur Sankaran Nair, J.)
Chairman

/as/