

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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O.A.No.559 of 1994.

New Delhi, this the 11th day of August, 1994.

HON'BLE MR. B.K.SINGH, MEMBER(A)

Jagdish Ram Vasistha S/O Shri Man Singh,
R/O Gaur Bhawan, Sadh Nagar, Gali No.40,
Palam, New Delhi.

... Applicant.

(applicant in person)

vs.

1. Union of India through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager,
Bikaner Division, Northern Railway,
Bikaner.
3. The Secretary,
Railway Board, Rail Bhawan,
New Delhi.

... Respondents

(none appeared)

ORDER

(delivered by Hon'ble Mr B.K.Singh, Member (A))

This O.A.No.559/94 has been filed
for claiming benefit given to the loyal
employees in 1974 when there was a Railway Strike.
The three benefits proposed ⁱⁿ the year 1974 were:

- (i) Employment of the son/daughter of
the loyal railway employee in the
Railway Department
- (ii) Grant of one advance increment.
- (iii) Cash Award.

This benefit was confined to those who, in spite
of grave provocation continued to perform their
duties in the railways during the strike period.

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The applicant made representation to the respondents but was denied these benefits. The reliefs claimed are:

"(i) that the application may be allowed with costs;

(ii) that the Hon'ble Tribunal may give a declaration to the effect that the applicant, being a loyal employee is entitled for one of the benefits, that is, the appointment of his son Sh. Shiv Kumar in any of Group 'C' post or as alternatively in any group 'D' post...."

The applicant appeared in person and stated that he has settled down after retirement in Jaipur and that the learned counsel for the applicant has withdrawn from the case since he is not in a position to pay further fees to the counsel.

The three aforesaid benefits were available to the employees in the year 1974 and the applicant could have claimed any of these three benefits during the relevant period.

The application is a highly belated one and this Tribunal has no jurisdiction to entertain a petition for redressal of a grievance arising prior to 1st November, 1982. It is hit by delay and laches. The period of limitation is either three years prior to 1- $\frac{1}{2}$ years as prescribed under Section 21 of the Central Administrative Tribunals Act, 1985. The grievance does not relate to a period falling within three years of the Constitution of the Tribunal nor does it fall under Sections 20 and 21.

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The law in this regard has been clearly laid down by the Hon'ble Supreme Court in case of State of Punjab vs. Gurdav Singh (1991(4) ACC 1. It lays down that the party aggrieved by an order has to approach the Court for relief of declaration that the order against him is inoperative and not binding upon it, within the period of limitation since after the expiry of the statutory time limit the Court cannot give a declaration sought for.

The Administrative Tribunal ^{Act 1905} does not vest any power or authority to take cognizance of a grievance arising out of an order made prior to 1.11.1982. The limited power, that is vested to condone the delay in filing an application is prescribed in


Section 21 provided the grievance is in respect of an order made within three years of the Constitution of this Tribunal. This has been held in ATR 1986(1) CAT 203 V.K. Mehra vs. The Secretary, Ministry of Industrial Development, Delhi.

In case of S.S. Rathore vs. State of Madhya Pradesh AIR 1990 SC 10, the Hon'ble Supreme Court has laid down the ratio that cause of action shall be taken to arise on the date of order of the higher authority disposing of the appeal or the representation. Where no such order is made within six months, after making such an appeal or representation, the cause of action would arise from the date of expiry of the period of six months. The repeated unsuccessful representations, as provided by law do not enlarge the period of limitation. It was further held that repeated representations and memorials do not

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extend the period of limitation. In case of Bhoop Singh vs. Union of India JT 1992(3) SC 322, the Hon'ble Supreme Court held that the judgments and orders of the Court in other cases do not give cause of action. The cause of action has to be reckoned from the actual date. The cause of action ^{arose} in 1974 and this application has been filed in the year 1994. The Hon'ble Supreme Court in the case of Union of India vs. Ratam Chandra Samanta, JT 1993(3) SC 418, has clearly hold that the delay itself deprives a person of the remedy available to him. If the remedy is lost, the right is also lost alongwith it. The applicant in the instant case, has slept over the remedy and the right and as such he has lost both. The application is hit by delay and laches and is dismissed accordingly, but without any order as to costs.

August 11, 1995.
"SDS"


(B.K. Singh)
Member (1)