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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1390/2000

New Delhi this the 26th day of July, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

Govind Ram Sharma
S/o Late Shri K.R.Sharma
R/O Room No.31 Avtar Park,
Nirankri Colony,
Delhi-110011.

... Applicant

(By Shri S.K.Srivastava, Advocate)

-versus-

1. Union of India through
Secretary,
Ministry of Railways
2. General Manager
Northern Railways
Baroda House
New Delhi.
3. General Manager
Railway Protection Force
Moradabad Division
U.P.

... Respondents

O R D E R (ORAL)

Justice Ashok Agarwal:

learned advocate

We have heard Shri S.K.Srivastava, / who has
appeared on behalf of the applicant.

2. Applicant has served in the Army as a
Havaldar during the period 1940 to 1947. After his
services were discharged from the Army, he joined the
Railway Protection Force on 20.12.1948 where he worked
till 6.5.1957 when he is purported to have submitted
his resignation. According to him, he was forced to
submit the same under pressure of his seniors with
whom he had some altercation. Though he was promised
to be brought back in service, he was not brought back

De. A.

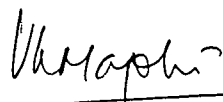
despite several representations in that behalf. According to him, he has not been paid his salary during the period 1.1.1957 to 6.5.1957. By the present OA which has been filed on 24.7.2000 he claims various reliefs such as salary for the aforesaid period and pensionary benefits etc. Aforesaid claim, we are afraid cannot be entertained in the present belatedly filed OA. In the case of **Ex Capt. Harish Uppal v. Union of India & ors.**, JT 1994 (3) S.C.126, the Supreme Court has observed that parties should pursue their rights and remedies promptly and not sleep over their rights. If they choose to sleep over their rights and remedies for an inordinately long time, the court may well choose to decline to interfere in its discretionary jurisdiction under Article 226 of the Constitution of India. Similarly in the case of **S.S. Rathore vs. State of Madhya Pradesh**, AIR 1990 S.C.10, the Supreme Court has observed that repeated unsuccessful representations not provided by law do not enlarge the period of limitation.

3. As far as this Tribunal is concerned, it is governed by the provision of Section 21 of the Administrative Tribunals Act, 1985 which provides for a fixed period of limitation for instituting the OAs. Once a claim is time barred, aforesaid provision forbids the Tribunal from entertaining any claim on the basis of equities.

4. In the circumstances, though the case of the applicant may be a hard case, we are unable to provide

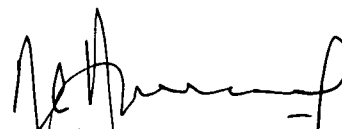


any relief to him. Present OA in the circumstances is summarily rejected.



(V.K. Majotra)
Member (A)

sns



(Ashok Agarwal)
Chairman