

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.1292/88

Date of Decision: 20.5.92

Shri Om Prakash Sharma

Applicant

Shri M.B. Singh

Counsel for the applicant

Vs.

Union of India through

General Manager, Northern Railway

Respondents

Shri Inderjit Sharma

Counsel for the respondents

CORAM

The Hon'ble Shri Ram Pal Singh, Vice Chairman(J).

The Hon'ble Shri I.P. Gupta, Member(A).

JUDGEMENT(Oral)

(delivered by Hon'ble Member Shri I.P. Gupta)

In this application, the applicant was appointed as Substitute Khalasi for a period of three months and it is alleged that his service had been discontinued from 15.02.1986. In para (j) at page.4 of the application, the applicant has mentioned that the cause of action arose on 18.05.1984. However, in the course of arguments, it was mentioned that this was a mistake, as the cause of action actually arose on 15.02.1986. The applicant made a representation dated 20.07.1986. Earlier too, he had made a representation dated 01.03.1986, as referred to in para-7 of the application. Even if we count one and a half years from the date of representation, the application is barred by limitation. The learned counsel for the applicant quoted the case of Shri M.K. Janjadiya Vs. Union of India and Ors.(Ahmedabad), where it was observed as follows:

"We notice that the original application was admitted by the order of the Bench dated 19.6.1987. The order does not say that the application is admitted subject to limitation. We therefore


12

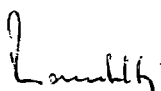
do not deem it necessary to go into the question of limitation at this juncture with the observation that the respondents' objection on grounds of limitation has substance. We will proceed to decide the case on merits."

2. The above observation is not in the nature of laying down any law on the subject. It said that the respondents' objection on grounds of limitation has substance. The Tribunal, however, decided the case on merit. Even if a case is barred by limitation, it is open to the Bench to consider the case on merit.

3. In this case, however, the applicant has not filed any application for condonation of delay and we do not find any sufficient ground for condoning the same or for going into merits of the case, even if it is barred by limitation.

4. In the above view of the matter, the case is dismissed on grounds of limitation with no order as to cost.


(I.P. GUPTA)
MEMBER(A)


(RAM PAL SINGH)
VICE CHAIRMAN(J)