

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

12

O.A./T.A. No. 3131 of 1991 Decided on: 29.2.96

L.R. Verma

..... APPLICANT(S)

(By Shri S.K. Sawhney Advocate)

VERSUS

U.O.I. & Ors.

..... RESPONDENTS

(By Shri H. K. Gangwani Advocate)

CO RAM

THE HON'BLE SHRI S.R. ADIGE, MEMBER (A)

THE HON'BLE ~~SHRI XXXXX~~ DR. A. VEDAVALLI, MEMBER (J)

1. To be referred to the Reporter or not? Yes
2. Whether to be circulated to other Benches of the Tribunal? No

S.R. Adige
(S.R. ADIGE)
Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 3131/91

New Delhi, dated the 29th February, 1996

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri L.R. Verma,
S/o Shri Vikram Prasad,
R/o H-1/161, Sector XXIII,
Raj nagar,
Ghaziabad. APPLICANT

(By Advocate: Shri S.K. Sawhney)

VERSUS

1. Union of India through
the General Manager,
Northern Railway,
Baroda House, New Delhi.
2. The Chief Commercial Supdt.,
Northern Railway,
Baroda House,
New Delhi.
3. The Divl. Rly. Manager,
Northern Railway,
Chelmsford Road,
New Delhi.RESPONDENTS

(By Advocate: Shri H.K. Gangwani)

J U D G M E N T

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

We have heard Shri Sawhney for the
applicant and Shri Gangwani for the
respondents.

2. The prayer for grant of three years
increment permanently withheld as a measure
of punishment vide order dated 8.2.80
(Ann.A-1) cannot be granted without quashing
that order. No specific prayer has been made
for quashing that order, because manifestly
the applicant knows that^{if} such a prayer
contained in the O.A. which was filed on

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24.12.91 would be grossly time barred and badly hit by limitation under Sec. 20 AT Act as well as lack of jurisdiction, as the cause of action has arisen much prior to three years before the inception of the Tribunal.

3. Applicant's counsel has contended that the order dated 8.2.80 is void because it is a non-speaking order and mention no date from which it would take effect. The order dated 8.2.80 is a review order and does not necessarily have to be a speaking one. Secondly where no date is given, the order is deemed to take effect from the date of its issue. Under the circumstance Rule 10(2) Railway Servants (Disc. & Appeal) Rules is not relevant and the rulings reported in 1991 (2) ATJ 283 and Qamar Ali Vs. State of M.P. 1967 SLR 228 do not help the applicant. In this connection we need to mention that there is not even an M.A. filed for condonation of delay.

4. In Ratan Chandra Samanta Vs. UOI 1994 (26) ATC 228 the Hon'ble Supreme Court has observed

" Delay itself deprives a person of his remedy available in law. In absence of any such cause of action or legislation a person who lost his remedy by lapse of time, loses his right as well".

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5. In the result no interference is warranted. The O.A. is dismissed. No costs.

A. Vedavalli

(Dr. A. VEDAVALLI)
Member (J)

S.R. Adige

(S.R. ADIGE)
Member (A)

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