

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 1775 of 2005 & MA 1598/05 and MA 390/06
with
OA 394/2004 & MA 2296/2005,
OA 552/2004 & MA 2291/05 and MA 391/06,
O.A. 553/2004, OA 2290/2004 and OA 1811/2005

New Delhi this the 21st day of May, 2008

Hon'ble Mr. Justice M. Ramachandran, Vice Chairman (J)
Hon'ble Mrs. Veena Chhotray, Member (A)

OA No. 1777/2005

1. Shri Shyam Sunder
S/o Shri Kallar Sharma,
Carpenter, Gr.II
Sr. Section Engineer (Works),
Northern Railway,
Tansit Camp,
New Delhi.
2. Shri Tulsi Ram,
S/o Shri Bepat Ram,
Mason,
Under Sr. Section Engineer (Works),
Northern Railway, Tansit Camp,
New Delhi.
3. Sh. Ram Kirpal
S/o Shri Mani Ram,
Khallasi,
Under Sr. Section Engineer (Works),
Northern Railway, Tansit Camp,
New Delhi.
4. Shri Ram Lakhan,
S/o Shri Mani Ram,
Black Smith
Under Sr. Section Engineer (Works),
Northern Railway, Tansit Camp,
New Delhi.
5. Shri Shyam Lal,
S/o Shri Barkoo Ram,
Khallasi,
Under Sr. Section Engineer (Works),
Northern Railway, Tansit Camp,
New Delhi.

Mr

6. Shri Gopi Chand
S/o Shri Jamuna Pal
Khallasi
Under Sr. Section Engineer (Works),
Northern Railway, Tansit Camp,
New Delhi.
7. Sh. S.Mani,
S/o Shri Sanayya,
Under Sr. Section Engineer (Works),
Northern Railway, Tansit Camp,
New Delhi.
8. Shri Narottam,
S/o Shri Dhunmum
Khallasi
Under Sr. Section Engineer (Works),
Northern Railway, Tansit Camp,
New Delhi.
9. Sh. Ramesh Chand
S/o Shri Budhi Ram,
Khallasi,
Under Sr. Section Engineer (Works),
Northern Railway, Tansit Camp,
New Delhi.
10. Shri Laloo
S/o Shri Dukhi,
Khallasi
Under Sr. Section Engineer (Works),
Northern Railway, Tansit Camp,
New Delhi.
11. Shri Juggi Lal
S/o Shri Ram Din,
Khallasi,
Under Sr. Section Engineer (Works),
Northern Railway, Tansit Camp,
New Delhi.
12. Shri Kanta Parshad,
S/o Shri Shittal Pal,
Carpenter,
Under Sr. Section Engineer (Works),
Northern Railway, Tansit Camp,
New Delhi.

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13. Shri Govind Singh,
S/o Shri Vishwanath Singh,
Khallasi,
Under Sr. Section Engineer (Works),
Northern Railway, Tansit Camp,
New Delhi.
14. Shri Shyam Karan,
S/o Shri Roopan Ram,
Mason,
Under Sr. Section Engineer (Works),
Northern Railway, Tansit Camp,
New Delhi.
15. Shri Gaimda Lal,
S/o Shi Chokey Lal,
Carpenter,
Under Sr. Section Engineer (Works),
Northern Railway, Tansit Camp,
New Delhi.
16. Shri Prem Prakash,
S/o Shri Chokey Lal,
Khallasi,
Under Sr. Section Engineer (Works),
Northern Railway, Tansit Camp,
New Delhi.
19. Shri Naresh Kumar,
S/o Shri Pyare Lal,
Khallasi,
Under Sr. Section Engineer (Works),
Northern Railway, Tansit Camp,
New Delhi.
20. Shri Prithvi Raj,
S/o Shri Mithoo,
Fitter,
Under Sr. Section Engineer (Works),
Northern Railway, Tansit Camp,
New Delhi.
21. Shri Baboo Lal,
S/o Shri Barkoo Ram,
Khallasi,
Under Sr. Section Engineer (Works),
Northern Railway,
Tansit Camp,
New Delhi.

(By Advocate : Shri Manjeet Singh Reen)

.... Applicants

Versus

Union of India through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.
3. The Sr. Section Engineer (Works),
Northern Railway,
Tansit Camp,
New Delhi.

(By Advocate : Shri R. L. Dhawan)

..... Respondents

OA NO. 396/2004

1. Shri Ramji Lal,
S/o Shri Harkesh Singh
Mason.
2. Shri Shiv Raj Singh,
S/o Shri Sher Singh,
Fitter.
3. Shri Prem Chand,
S/o Shri Gudha Ram,
Mason.
4. Shri Brij Mohan,
S/o Shri Suraj Mal,
Khallasi.
5. Shri Gopal Singh,
S/o Shri Fateh Singh,
Mason.
6. Shri Sabha Pati,
S/o Shri Bipat,
Khallasi.
7. Shri Pehladi,
S/o Shri Kanahyee,
Khallasi.

8. Shri Satish Chand,
S/o Shri Banwari Lal,
Carpenter.
9. Shri Sham Lal,
S/o Shri Ram Ajor,
Khallasi.
10. Shri Gian Chand
S/o Shri Chhajua,
Khallasi.
11. Shri Om Prakash,
S/o Shri Karam Chand,
Senior Clerk.
12. Shri Ram Yag,
S/o Shri Jagan Nath
Khallasi.
13. Shri Hari Chand
S/o Shri Kanahya Lal,
Khallasi.
14. Shri Ram Deo,
S/o Shri Ram Samujh,
Khallasi.
15. Shri Manohar Singh,
S/o Shri Hayat Singh,
Fitter.
16. Shri Darban Singh,
S/o Shri Narain Singh,
Khallasi.
17. Shri Bhagat Singh
S/o Shri Dewan Singh,
Khallasi.
18. Shri Padam Singh,
S/o Shri Vijay Singh,
Khallasi.
19. Shri Ram Raj,
S/o Shri Ram Bhool,
Khallasi.
20. Shri Suresh Chand,
S/o Shri Chandu Lal,
Khallasi.

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21. Shri Ram Raj,
S/o Shri Baboo Lal,
Khallasi.

22. Shri Om Prakash,
S/o Shri Kaloo Mal,
Khallasi.

23. Shri Dharam Pal,
S/o Shri Munshi
Khallasi.

All the applicants are working under
Junior Engineer (Works), Tis Hazari, New Delhi.

24. Shri Pehladi,
S/o Shri Pitamber,
Mason.

25. Shri Ramesh Chand,
S/o Shri Gopal,

All the applicants are working under
Section Engineer (Works), Northern Railway,
Delhi Kishan Ganj-II, Delhi.
(By Advocate : Shri Manjeet Singh Reen)

.... Applicants

Versus

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.

3. The Junior Engineer (Works),
Tis Hazari, New Delhi.
(By Advocate : Shri R. L. Dhawan)

..... Respondents

OA NO. 552/2004

Ravi Dutt Sharma
S/o Shri Nitya Nand Sharma,
Khallasi, Under Section Engineer (Estate),
Northern Railway,
DRM Office, New Delhi.
(By Advocate : Shri Manjeet Singh Reen)

.... Applicant

Versus

Union of India through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.
3. The Sr. Section Engineer (Estate),
Northern Railway,
DRM Office,
New Delhi.

(By Advocate : Shri R. L. Dhawan)

..... Respondents

OA NO. 553/2004

1. Shri Khem Singh
S/o Shri Trilok Singh
Carpenter Gr.II.
2. Shri Madan Mohan,
S/o Shri Ved Vyas,
Painter Gr.II.
3. Shri Hari Ram,
S/o Shri Mitthan Singh,
Mason Gr.II.

All the Applicants are working under
Section Engineer (Works), Northern Railway, New Delhi.

4. Shri Chhotey Lal,
S/o Shri Agwan,
Helper,
Under Section Engineer (Works),
Northern Railway, Delhi Kishan Ganj-II,
Delhi.

(By Advocate : Shri Manjeet Singh Reen)

.... Applicants

Versus

Union of India through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.
3. The Sr. Section Engineer (Works),
Northern Railway,
New Delhi.

..... Respondents

(By Advocate : Shri Narain Bhatia)

OA NO. 2290/2004

1. Shri Ram Shanker
S/o Shri Radhika Prasad,
Mali
Under Sr. Section Engineer (Horticulture)
Northern Railway, New Delhi.
2. Shri Ghanshyam Lal
S/o Shri Parbhati,
Sr. Clerk,
Under ADEN (Horticulture),
Northern Railway, New Delhi.
3. Shri Ram Pratap,
S/o Shri Ganga Dutt,
Mail,
Under Sr. Section Engineer (Horticulture)
Northern Railway, New Delhi.
4. Shri Jagdish
S/o Shri Bhairoo Ram,
Mail,
Under Sr. Section Engineer (Horticulture)
Northern Railway, New Delhi.
5. Shri Nand Kishore,
S/o Shri Bengali Mishra,
Mail,
Under Sr. Section Engineer (Horticulture)
Northern Railway,
New Delhi.

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6. Shri Nirmal Prasad,
S/o Shri Ram Dularey,
Mail,
Under Sr. Section Engineer (Horticulture)
Northern Railway,
New Delhi.
7. Shri Kalloo Ram,
S/o Shri Tula Ram,
Mail,
Under Sr. Section Engineer (Horticulture)
Northern Railway, New Delhi.
8. Shri Ram Bujhawan,
S/o Shri Matroo,
Mail,
Under Sr. Section Engineer (Horticulture)
Northern Railway, New Delhi.
9. Shri Sabir Ali
S/o Shri Varis Ali,
Mail,
Under Sr. Section Engineer (Horticulture)
Northern Railway, New Delhi.
10. Shri Durga Prasad,
s/o Shri Ram Piaray,
Mail,
Under Sr. Section Engineer (Horticulture)
Northern Railway, New Delhi.
11. Shri Rattan Singh,
S/o Shri Krishnu Ram,
Mail,
Under Sr. Section Engineer (Horticulture)
Northern Railway, New Delhi.
12. Shri Ram Raj,
S/o Shri Ram Aasrey,
Mail,
Under Sr. Section Engineer (Horticulture)
Northern Railway, New Delhi.

.. Applicant

(By Advocate Shri Manjeet Singh Reen)

VERSUS

Union of India : Through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.

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2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.
3. The Sr. Divisional Finance Manager,
Northern Railway,
State Entry Road,
New Delhi.

(By Advocate Shri R.L. Dhawan)

.. Respondents

OA NO. 1811/2005

Shri Kuldeep Chand
S/o Shri Ramesh Chand,
Working as ACF-III,
Under Sr. Section Engineer (A.C.)
Northern Railway,
New Delhi.

(By Advocate Shri Manjeet Singh Reen)

.. Applicant

VERSUS

Union of India : Through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.
3. The Assistant Personnel Officer (Elect),
Northern Railway,
D.R.M. Office,
New Delhi.

(By Advocate Shri R.L. Dhawan)

.. Respondents

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ORDER (ORAL)**Hon'ble Mr. Justice M. Ramachandran, Vice Chairman (J) :**

Mr. R.L. Dhawan, counsel appearing on behalf of respondents has on the first instance pointed out that perhaps these cases are covered by the decision of Full Bench of this Tribunal in OA 2476/2006 with connected cases decided on 22.4.2008.

2. However, Mr. Manjeet Singh Reen, counsel appearing on behalf of the applicants submits that the impediment that is said to be placed is simply not there because of the fact that the applicants had approached the Tribunal earlier and there was a specific direction that the claim of the applicants be looked into on merits and disposed of by passing a speaking order. Referring to the order passed in May, 2005 (Annexure A/1 to OA 1777/2005), it is pointed out that due consideration of applicants' claim has not been made and in inimical manner the claim has been rejected, as no reasons have been given by the administrative authority.

3. We have to take notice of the observations made in the Full Bench decision by the Tribunal (supra), wherein it has been noticed that claims pertaining to a period beyond three years of introduction of the Administrative Tribunals Act, 1985 are not possible to be entertained. Mr. Dhawan, also submits that earlier order of the Tribunal was passed without issuing notice to the respondents and objections legally permissible are not to be deemed as precluded. Further the matter had

been examined from the angle of the employer and if was not found as sustainable.

4. Since we find merit in the submissions made on behalf of the respondents, we are constrained to follow the judgment of the Full Bench with respect. The Tribunal should never be a party for encouraging or upholding stale claims. Accordingly, OAs are dismissed. No costs.

Copy of this order be placed in OA 394/2004, OA 552/2004, O.A. 553/2004, OA 2290/2004 and OA 1811/2005

(Mrs. Veena Chhotray)
Member (A)

(M. Ramachandan)
Vice Chairman (J)

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