

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA NO. 2476/2006

With

**OA 2617/2006, OA 06/2007, OA 2543/2007,
OA 2549/2004, OA 2539/2004, OA 2292/2004**

and

OA 2548/2004

New Delhi this the 22nd day of April, 2008

Hon'ble Mr. Justice M. Ramachandran, Vice Chairman (J)
Hon'ble Mrs. Chitra Chopra, Member (A)
Hon'ble Mr. Shailendra Pandey, Member (A)

1. OA 2476/2006

Shri Mohan Dass,
S/o Shri Ram Phal,
Working as Keyman,
R/o 126/5, Railway Colony,
Kishan Ganj,
Delhi- 110 007.

... Applicant

(By Advocate Shri Manjeet Singh Reen)

Versus

Union of India : Through

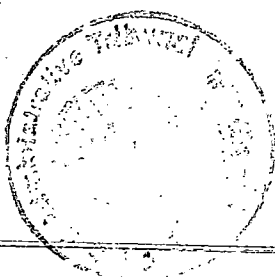
1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.

... Respondents

(By Advocate Shri R. L. Dhawan)

2. OA 2617/2006

1. Shri Ramesh Chander,
S/o Shri Anup Singh
2. Shyam Lal,
S/o Shri Mathura.
3. Shri Shyam Lal,
S/o Shri Jhallu.
4. Shri Puti Lal,
S/o Shri Durgaram.
5. Shri Ram Khilawan,
S/o Shri Guru Prasad.



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6. Shri Gaya Prasad,
S/o Shri Bansilal,
 7. Shri Kadam Singh,
S/o Shri Ram Kala.
 8. Shri Raj Pal,
S/o Shri Het Ram.
 9. Shri Panna Lal,
S/o Shri Chadi Lal
 10. Shri Kali Charan,
S/o Shri Ram Avtar.
 11. Shri Ram Sumer,
S/o Shri Mahavir.
 12. Shri Suraj Nath,
S/o Shri Laxmi Prasad.
 13. Shri Ram Avtar,
S/o Shri Keenu
 14. Shri Ram Kishore,
S/o Shri Ayodhaya.
 15. Shri Pyare Lal,
S/o Shri Bhagwan Deen.
 16. Shri Prem Pal,
S/o Shri Sepahi.
 17. Shri Raghuwar Dayal,
S/o Shri Ram Chhabi.
 18. Shri Raja Ram,
S/o Shri Devi Prasad.
 19. Shri Bhullan,
S/o Shri Ram Lutawan.
 20. Shri Bikaoo,
S/o Shri Tagale.
 21. Shri Chottey Lal,
S/o Shri Ganga Deen.
 22. Shri Baderi,
S/o Shri Kallu.
 23. Shri Ram Surat,
S/o Shri Shiy Narayan,
 24. Shri Ram Dass,
S/o Shri Mahaveer.
 25. Shri Khub Lal,
S/o Shri Sumhari.
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26. Shri Mansa,
S/o Shri Patri.
27. Shri Nauda Ram,
S/o Shri Sallu Ram.
28. Shri Deep Chand,
S/o Shri Bawo.
29. Shri Ram Lal,
S/o Shri Sumai.
30. Shri Dashrath,
S/o Shri Jhuri Ram.
31. Shri Rampati,
S/o Shri Badri.
32. Shri Kanaiyalal,
S/o Shri Jageshwar
33. Shri Shyam Lal,
S/o Shri Ram Gopal
34. Shri Ram Prasad,
S/o Shri Ram Avtar.
35. Shri Ram Sumer,
S/o Shri Sukahi.
36. Shri Rameshwar,
S/o Shri Devi Ram.
37. Shri Ram Asrey,
S/o Shri Ram Prasad.
37. Shri Ram Charan,
S/o Shri Sardar

(All Gangmen working under Section Engineer, P.Way,
Northern Railway, Delhi)

... Applicants

(By Advocate Shri Manjeet Singh Reen)

Versus

Union of India : through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway, DRM Office,
State Entry Road,
New Delhi.

3. The Divisional Personnel Officer,
Northern Railway,
State Entry Road,
New Delhi.
4. The Section Engineer (P.Way),
Northern Railway,
Delhi.

... Respondents

(By Advocate Shri R.L. Dhawan)

3. OA 06/2007

1. Shri Jai Hind,
S/o Shri Jaggai.
2. Shri Ram Dularey,
S/o Shri Ram Dass,
3. Shri Ram Lal,
S/o Shri Gayadin,
4. Shri Shyam Lal,
S/o Shri Chidda Singh.
5. Shri Kishan Chand,
S/o Shri Anant Ram.
6. Shri Ram Pal,
S/o Shri Ram Sumer.

(All working as Gangmen's under Section Engineer
(P.Way), Northern Railway, Delhi.)

7. Shri Tukki Ram,
S/o Shri Chanta Ram,
Khallasi,
Under Section Engineer (P.Way),
Northern Railway, Delhi.
8. Smt. Ram Murti,
W/o Late Shri Harpal
Village- Nagla Chatpur Bhan,
Post Office - Bhakrali,
Distt.- Badau (UP).

... Applicants

(By Advocate Shri Manjeet Singh Reen)

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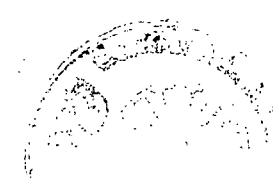
3. The Sr. Divisional Personnel Officer,
Northern Railway,
State Entry Road,
New Delhi.
4. The Section Engineer (P.Way),
Northern Railway,
Delhi.

... Respondents

(By Advocate Shri R.L. Dhawan)

4. OA 2543/2004

1. Smt. Kamla Devi,
W/o late Shri Dwarika Prasad,
Working as Khallasi,
Under Section Engineer (Works),
Northern Railway,
Delhi Kishan Ganj-1,
Delhi.
2. Smt. Malti Devi,
W/o Late Shri Jai Narain,
working as Mali,
Under Section Engineer(Horticulture),
Northern Railway, New Delhi.
3. Smt. Gaytri Devi,
Wo Late Shri Som Dutt
Working as Peon
Under Divisional Personnel Officer,
State Entry Road,
Northern Railway,
New Delhi.
4. Smt. Dhanwanti,
W/o Late Shri Shiv Poojan Tiwari,
R/o 31/473, Trilok Puri,
Delhi-110 091.
5. Shri Rakesh Kumar,
S/o Late Shri Ram Lakhan,
R/o 3/G-2, Chamsford Road,
New Delhi- 110 028.
6. Smt. Parvati Devi,
W/o Late Shri Hari Charan,
R/o Mali Hut No.7, Inder Puri Halt,
New Delhi- 11 0 028.
7. Smt. Shobhavati,
W/o Late Shri Lal Chand,
R/o V & P.O. – Inchhapuri,
Distt. Gurgaon (Haryana).
8. Smt. Asha Rani,
W/o Late Shri Ram Sanehi,
Working as Waterwoman,
Under Sr. Station Manager,
Northern Railway,
New Delhi.



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9. Smt. Ram Pati,
W/o Late Shri Banarasi,
Working as Mali,
Under Junior Engineer (Horticulture),
Northern Railway,
Sarojini Nagar, New Delhi.
 10. Smt. Kamta Devi,
W/o Late Shri Ram Bahadur,
R/o House No. 25/A, Gali No.2,
Gazipur,
Delhi-110 096.
 11. Smt. Shiv Devi,
W/o Late Shri Babu Lal,
Khallasi,
Under P.W.I, Tughlakabad,
New Delhi.
 12. Smt. Shyamo Devi,
W/o Late Shri Om Prakash,
R/o 1707/123, Shanti Nagar,
New Delhi-110035
 13. Smt. Bimla Devi,
W/o Late Shri Pooran Chand,
R/o A-2/67, New Seema Puri,
Delhi-110095
 14. Smt. Lado Devi,
W/o Late Shri Manohar Lal,
Mali,
Under Section Engineer (Horticulture),
Northern Railway,
New Delhi
 15. Smt. Sushila Devi,
W/o Late Shri Mohinder Singh,
C/o Shri Bharat Lal,
349, Ward No. 8, Nai Basti,
Palwal (Haryana)

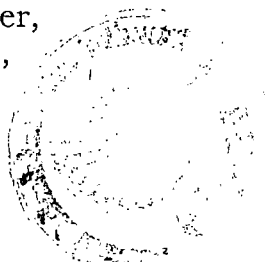
... Applicants

(By Advocate Shri Manjeet Singh Reen)

Versus

Union of India : Through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway, DRM Office,
State Entry Road,
New Delhi.



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

... Respondents

(By Advocate Shri R.L. Dhawan)

5. OA 2549/2004

1. Shri Ghanshyam Prasad,
S/o Shri Vishwanath,
Mali, Under Junior Engineer (Horticulture),
Northern Railway, Sarojini Nagar,
New Delhi.
2. Shri Basakhi Ram,
S/o Shri Matvar Ram,
Mali, Under Junior Engineer (Horticulture),
Northern Railway, Sarojini Nagar,
New Delhi.
3. Shri Gulab,
S/o Shi Zilmit Ram,
Mali, Under Junior Engineer (Horticulture),
Northern Railway, Sarojini Nagar,
New Delhi.
4. Shri Ramji Lal,
S/o Shri Bhola Ram,
Mali, Under Junior Engineer (Horticulture),
Northern Railway, Sarojini Nagar,
New Delhi.
5. Shri Dukhi Ram,
S/o Shri Ram Phal,
Mali, Under Junior Engineer (Horticulture),
Northern Railway, Sarojini Nagar,
New Delhi.
6. Shri Ram Kishore,
S/o Shri Prem Singh,
Mali, Under Junior Engineer (Horticulture),
Northern Railway, Sarojini Nagar,
New Delhi.
7. Shri Ram Sevak,
S/o Shri Kolahal,
Mali, Under Junior Engineer (Horticulture),
Northern Railway, Sarojini Nagar,
New Delhi.
8. Shri Ram Sukh,
S/o Shri Ram Avtar,
Mali, Under Junior Engineer (Horticulture),
Northern Railway, Sarojini Nagar,
New Delhi.

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9. Shri Sita Ram,
S/o Shri Jogi,
Mali, Under Junior Engineer (Horticulture),
Northern Railway, Sarojini Nagar,
New Delhi.
 10. Shri Kishan Pal Singh,
S/o Shri Phool Singh,
Mali, Under Junior Engineer (Horticulture),
Northern Railway, Sarojini Nagar,
New Delhi.
 11. Shri Daya Ram,
S/o Shri Mathai,
Mali, Under Junior Engineer (Horticulture),
Northern Railway, Sarojini Nagar,
New Delhi.
 12. Shri Ram Pal,
S/o Shri Tej Ram,
Mali, Under Junior Engineer (Horticulture),
Northern Railway, Sarojini Nagar,
New Delhi.
 13. Shri Ram Lagan,
S/o Shri Ram Kishan,
Mali, Under Junior Engineer (Horticulture),
Northern Railway, Sarojini Nagar,
New Delhi.
 14. Shri Pahila Jagmayia,
S/o Shri Paila Barragi,
Mali, Under Junior Engineer (Horticulture),
Northern Railway, Sarojini Nagar,
New Delhi.
 15. Shri Sohan Lal,
S/o Shri Gyarsha Ram,
Mali, Under Junior Engineer (Horticulture),
Northern Railway, Sarojini Nagar,
New Delhi.
 16. Shri Jivan,
S/o Shri Hamraj,
Mali, Under Junior Engineer (Horticulture),
Northern Railway, Sarojini Nagar,
New Delhi.
 17. Shri Satyendra Prakash Patel,
S/o Shri Baij Nath Patel,
Mali, Under Junior Engineer (Horticulture),
Northern Railway, Sarojini Nagar,
New Delhi.
 18. Shri Jawala Prasad,
S/o Shri Lekh Raj,
Mali, Under Junior Engineer (Horticulture),
Northern Railway, Sarojini Nagar,
New Delhi.
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19. Shri Ali Hasan,
S/o Shri Illashi,
Mali, Under Junior Engineer (Horticulture),
Northern Railway, New Delhi.
20. Shri Bali Ram,
S/o Shri Krishanu Ram,
SOM, Mali, Under Junior Engineer (Horticulture),
Northern Railway, Sarojini Nagar,
New Delhi.
21. Smt. Asha Rani,
D/o Shri Piarey Lal,
Typist,
Under O.S./W, Estate,
D.R.M. Office, Northern Railway,
New Delhi.
- ... Applicants.

(By Advocate Shri Manjeet Singh Reen)

Versus

Union of India Through:

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway, DRM Office,
State Entry Road,
New Delhi.
3. The Sr. Divisional Finance Manager,
Northern Railway,
State Entry Road,
New Delhi.

.. Respondents.

(By Advocate Shri R.L. Dhawan)

6. OA 2539/2004

1. Shri Desh Raj Sharma,
S/o Shri Sita Ram Sharma,
Office Khallasi,
Under Sr. Section Engineer (Estate),
Northern Railway,
D.R.M. Office, New Delhi.
2. Shri Jai Dev Panda,
S/o Shri Ghanshyam Panda,
Office Khallasi,
Under D.S.E. Estate,
Northern Railway,
New Delhi.

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3. Shri Ram Pal Singh,
S/o Shri Shyam Lal Singh,
Office Khallasi,
Under Officer Supdt/W.E./,
Northern Railway,
DRM Office,
New Delhi.
 4. Shri Kamta Prasad,
S/o Shri Jagropan,
Peon,
Under Superintendent Establishment
Chief Personnel Officer,
Northern Railway, Baroda House,
New Delhi.
 5. Shri Likhi Ram,
S/o Shri Nanak Chand,
Mali/Fitter,
Under EMU Car Shed,
Northern Railway, Ghaziabad.
 6. Shri Ram Raj Prasad,
S/o Shri Shobha Prasad,
Senior Peon,
Under G. Branch Headquarter Office,
Baroda House, Northern Railway,
New Delhi.
 7. Shri Tej Bahadur,
S/o Shri Mathura Prasad,
Senior Peon,
Under G. Branch Headquarter Office,
Baroda House, Northern Railway,
New Delhi.
 8. Shri Ram Sahai,
S/o Shri Nankoo,
Mali,
Under Sr. Section Engineer (Horticulture),
Northern Railway,
New Delhi.
 9. Shri Malkhey,
S/o Shri Sarupa
Mali,
Under Section Engineer (Horticulture),
Northern Railway,
New Delhi.
 10. Shri Ram Prasad,
S/o Shri Net Ram,
Mali,
Under Section Engineer (Horticulture),
Northern Railway,
New Delhi.
- 12

11. Shri Murari Lal,
S/o Nanwa,
Mali,
Under Section Engineer (Horticulture),
Northern Railway,
Hazarat Nizamudin,
New Delhi.
12. Shri Rajinder,
S/o Shri Baroo,
Mali,
Under Section Engineer (Horticulture),
Northern Railway,
Hazarat Nizamuddin,
New Delhi.
13. Shri Dev Narain,
S/o Shri Kanti Ram,
Mali,
Under Section Engineer (Horticulture),
Northern Railway,
Hazarat Nizamuddin,
New Delhi.
14. Shri Ram Kishore,
S/o Shri Hub Lal,
Mali,
Under Section Engineer (Horticulture),
Northern Railway,
Hazarat Nizamuddin,
New Delhi.
15. Shri Ram Padarath,
S/o Shri Raj Bahadur Singh,
J.E. Drawing,
Under Sr. D.M.E.,
Northern Railway,
Tughlakabad,
New Delhi.
16. Shri Satya Dev,
S/o Shri Raj Bali,
Mali,
Under Section Engineer (Horticulture),
Northern Railway,
New Delhi.
17. Shri Sita Ram,
S/o Shri Nankoo,
Khallasi,
Under Section Engineer (Horticulture),
Northern Railway,
New Delhi.

... Applicants

(By Advocate Shri Manjeet Singh Reen)

Versus



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Union of India : Through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway, DRM Office,
State Entry Road,
New Delhi.
3. The Sr. Divisional Finance Manager,
Northern Railway,
State Entry Road,
New Delhi.

... Respondents

(By Advocate Shri R.L. Dhawan)

7. OA 2292/2004

1. Shri Mahender Singh,
S/o Shri Jai Singh,
Sr. Clerk,
Under Section Engineer (Works),
Northern Railway, Transit Camp,
New Delhi.
2. Shri Nalla Mutu,
S/o Shri Armugam,
Fitter,
Under Section Engineer (Works),
Northern Railway, Transit Camp,
New Delhi.
3. Shri Nirmal Dass,
S/o Shri Hari Dass,
Khallasi,
Under Section Engineer (Works),
Northern Railway, Transit Camp,
New Delhi.
4. Shri Rajender Pd.,
S/o Shri Ram Asrey,
Khallasi,
Under Section Engineer (Works),
Northern Railway, Delhi Kishan Ganj-1,
New Delhi.
5. Shri Daya Ram,
S/o Shri Suraj Pal,
Khallasi,
Under Section Engineer (Works),
Northern Railway,
Delhi Kishan Ganj -I,
Delhi.



6. Shri Virender Kumar Singh,
S/o Shri Radhey Shyam Singh,
Khallasi,
Under Section Engineer (Works),
Northern Railway,
Delhi Kishan Ganj -I,
Delhi.
7. Shri Raja Ram,
S/o Shri Shyama Ram,
Pointsman,
Under Chief Yard Master.
Northern Railway, Delhi.
8. Shri Bipat Ram,
S/o Shri Mathura, Khallasi,
Under Section Engineer (Works),
Northern Railway,
Delhi Kishan Ganj -I,
Delhi.
9. Shri Om Prakash,
S/o Shri Pinja Ram,
Carpenter,
Under Section Engineer (Works),
Northern Railway,
Delhi Kishan Ganj -I,
Delhi.
10. Smt. Shilla,
W/o Shri Joginder Singh,
Mali Khallasi,
Under Section Engineer (Works),
Northern Railway, New Delhi.
11. Shri Nanhai,
S/o Shri Jahoor,
Train Lighting (Khallasi),
Under Train Lighting, S.K. Line,
Northern Railway,
Delhi Junction, Delhi.
12. Shri Lalit Mohan,
S/o Shri Karmi Mali,
Mali,
Under Section Engineer (Works),
Northern Railway,
New Delhi.
13. Shri Mahesh,
S/o Shri Chaneshwar,
Mali,
Under Section Engineer (Horticulture),
Northern Railway,
New Delhi.

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(By Advocate Shri Manjeet Singh Reen)

Versus

.. Applicants



Union of India through :

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway, DRM Office,
State Entry Road,
New Delhi.
3. The Sr. Divisional Finance Manager,
Northern Railway,
State Entry Road,
New Delhi.

... Respondents.

(By Advocate Shri R.L. Dhawan)

8. OA 2548/2004

1. Shri Chiranjoo Prasad,
S/o Shri Innar Prasad,
Mali,
Under Junior Engineer (Horticulture),
Northern Railway,
Sarojini Nagar,
New Delhi.
2. Shri Ashok Kumar,
S/o Shri Tilak Ram,
Mali,
Under Junior Engineer (Horticulture),
Northern Railway,
Sarojini Nagar,
New Delhi.
3. Shri Ramakant Sharma,
S/o Shri Munni Lal,
Carpenter,
Under Junior Engineer (Horticulture),
Northern Railway,
Sarojini Nagar,
New Delhi.
4. Shri Satya Narain,
S/o Shri Jangannath,
Mali,
Under Junior Engineer (Horticulture),
Northern Railway,
Sarojini Nagar,
New Delhi.



5. Shri Dashrath Prasad,
S/o Shri Shitla Prasad,
Mali,
Under Junior Engineer (Horticulture),
Northern Railway,
Sarojini Nagar,
New Delhi.
6. Shri Ganga,
S/o Shri Ram Dhanni,
Under Junior Engineer (Horticulture),
Northern Railway,
Sarojini Nagar,
New Delhi.
7. Shri Kanhayee,
S/o Shri Dhurvial
Mali,
Under Junior Engineer (Horticulture),
Northern Railway,
S. P. Marg, New Delhi.
8. Shri Jeet Singh,
S/o Shri Deva Ram,
Mali,
Under Junior Engineer (Horticulture),
Northern Railway,
S. P. Marg, New Delhi.
9. Shri Rajan,
S/o Shri Dayal Singh,
Mali,
Under Junior Engineer (Horticulture),
Northern Railway,
S.P. Marg, New Delhi.
10. Shri Ashruddin,
S/o Shri Rehmat,
Mali,
Under Junior Engineer (Horticulture),
Northern Railway,
Hazrat Nizamuddin, New Delhi.
11. Shri Grevenhichal Hardass,
S/o Shri Mayical Mangal,
Mali,
Under Junior Engineer (Horticulture),
Northern Railway,
S. P. Marg, New Delhi.
12. Shri Hira Lal,
S/o Shri Chottey Lal,
Mali,
Under Junior Engineer (Horticulture),
Northern Railway,
S.P. Marg, New Delhi.



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13. Shri Satram,
S/o Shri Bhasin,
Mali,
Under Junior Engineer (Horticulture),
Northern Railway,
S.P. Marg, New Delhi.
 14. Shri Hari Narayan,
S/o Shri Ram Kare Ram.
Mali,
Under Junior Engineer (Horticulture),
Northern Railway,
S.P. Marg, New Delhi.
 15. Shri Daya Shanker,
S/o Shri Ram Sahai,
Mali,
Under Junior Engineer (Horticulture),
Northern Railway,
S.P. Marg, New Delhi.
 16. Shri Ram Chander Singh,
S/o Shri Matabadal Singh,
Mali,
Under Junior Engineer (Horticulture),
Northern Railway,
Sarojini Nagar,
New Delhi.
 17. Shri Jaggan Nath,
S/o Shri Sahatu,
Mali,
Under Junior Engineer (Horticulture),
Northern Railway,
S.P. Marg, New Delhi.

... Applicants

(By Advocate Shri Manjeet Singh Reen)

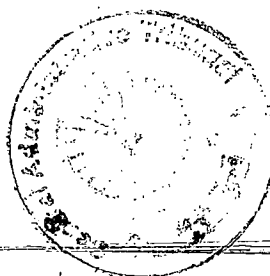
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New Delhi.

.. Respondents

(By Advocate Shri R.L. Dhawan)



ORDER

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

The above batch of cases were listed for hearing with due notice. On behalf of the applicants, we had heard Shri Manjeet Singh Reen. Mr. Dhawan appeared for the respondents.

2. The matter came to the Full Bench because of the reference order passed by a Division Bench in OA 2476/2006, on 14.09.2007, in the following terms:

"In the light of conflict in the matter of grant of ante dated temporary status for the purpose of payment of arrears as the decision of the Tribunal in OA 1528/1997 dated 31.10.1997 (Banwari Lal Vs. UOI & Ors.) has been affirmed by the Hon'ble High Court of Delhi in C.W. No. 2463/1998 on 16.03.2000 and also a decision of the Co-ordinate Bench in OA-2644/2006 dated 09.07.2007 (Bhim Singh & Ors. Vs. G.M. Northern Railway & Ors.) where a different view has been taken, in the interest of justice to avoid any conflict and to have a final view of the matter, let this OA be placed before the Hon'ble Chairman on administrative side for appropriate action".

A close examination would indicate that the impact of limitation on a monetary claim is the cardinal issue involved.

3. We find that OAs 2617/2006 and 6/2007 also had been referred to the Full Bench, by an order of the same date. Later, in view of the submission made by the parties, a few other applications also had been tagged, on a plea that the issue involved is similar in all respects. As a matter of fact, in respect of O.As.2292/2004, 2539/2004, 2543/2004, 2548/2004 and 2549/2004, they had been disposed of, on an earlier occasion with a direction to the respondents to consider the claims, in a time bound manner but on review applications, the orders had been recalled and thereafter the cases were listed for hearing and now are posted along with the other applications.

30 4. In essence, the principal issue, as could be gatherable from the reference order, is as to whether the applications are liable to be entertained, on grounds of limitation. The parties had addressed us on the merits of the claims as well, and in view of the circumstance that they are comparatively old matters, and were claims, which have antiquity over decades, as agreed to by the parties, we are examining the merits of the claims as well.

5. **Banwari Lal Vs. Union of India** (OA 1528/97) cited in the reference order had been decided, on 31.10.1997, a copy of the order is made available as Annexure A-5. It is a short judgment, and the same is extracted as given below:

"In view of our orders dated 22.9.1997, we had issued notices to General Manager, Railway Electrification, Tilak Bridge, New Delhi as well as General Manager, Railway Electrification, Bhopal. It was stated on behalf of the respondents no. 2 & 3 i.e. Divisional Railway Manager, Northern Railway Moradabad and Divisional Electric Engineer, Northern Railway, Moradabad are the two officers who had to pass appropriate orders, are respondents no. 4 & 5.

Since notices have also been issued to these respondents no. 4 & 5, appropriate orders, as per our order dated 22.9.1997, be passed in view of our order dated 17th Oct., 1996 and all payment of arrears be paid to the petitioner within two months from the date of receipt of a copy of this order alongwith 12% thereon w.e.f. 22.9.1997.

With this, this O.A. is disposed of with no order as to costs".

Excepting to gather that there are directions to pass orders in view of the earlier order dated 17.10.1996 for payment of arrears, there is nothing more to suggest that any contentious issue has been gone into. Mr. Reen had also referred to another decision, rendered in OA 1033/2004, dated 4.2.2005 where also, according to him, there was a direction to pass orders of re-fixation. A copy of the same is Annexure A-10. It may be relevant that the above judgment also is extracted for due advertence as hereinbelow:

"Learned counsel heard.

2. At the outset, learned counsel for the respondents on instructions stated at the Bar that applicants have been paid an amount of Rs.1,14,596/- in implementation of directions of this Court contained in order dated 5.2.2003 in OA No.276/2003.

3. Learned counsel for the applicants pointed out that applicants' pay is required to be refixed after regularization by reflecting last pay drawn earlier to regularization and that accordingly they have to be paid arrears. In this connection, learned counsel for the respondents stated that while arrears upto regularization have been paid, the remaining action would be taken shortly.

4. In view of this statement, respondents are directed to revise the pay of the applicants from the date of their absorption after reflecting the last pay drawn by them just before absorption and pay arrears. Respondents shall take necessary steps regarding refixation of pay and also payment of arrears expeditiously, preferably within a period of four months from the date of communication of this order.

5. OA is disposed of as above. No costs."

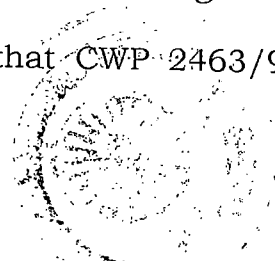
6. The submission of Mr. Reen is that these claims pertain to periods ranging from 1971 to 1981, and the Tribunal had issued directions for grant of monetary benefits. According to him, the respondents could and ought to have raised an objection about limitation, and even if they had omitted to, the final order, in effect has effectively condoned the delay, and the position duly requires to be recognized. Additionally, decision in OA 1528/1997 had been affirmed by the High Court (to which there is mention in the reference order). He submits that a view as above has rightly been taken.

7. Obviously, when the present matters were argued before the Division Bench, the respondents might have invited the attention of the Bench to a decision in OA 2644/2006 where the Bench had taken a stand that a belated application, cannot be agitated in view of the limitation prescribed under Section 21 (2) of the Administrative Tribunals

Act, 1985

39 8. We note that overruling the argument of the applicants that it was a case of fixation of pay but it really appeared to be a case for grant of pay scale, the Tribunal opined that it did not have the characteristics of a continuing claim. It had been, therefore, held that the observations in **M.R. Gupta Vs. Union of India & Ors.** (1995 (6) SCC 674) are not applicable. Categorically, it has been held that if the applicants were aggrieved about non grant of temporary status, on completion of 120 days of continuous service, they ought to have raised such issue before the competent authority at the relevant point of time and should not have waited for almost three decades for raising such grievance. Therefore, the claims were hit by limitation.

9. Mr. Reen, however, submits that principle in the said order was to be read down in view of the decision in OA 1528/1997 where the claims put up of similar persons have been upheld as tenable. This is because the dismissal of the writ petition filed against the order automatically gives a stamp of approval to the points decided there. However, two aspects highlighted by the respondents compel us not to endorse the submissions as above. The first circumstance is that there is nothing to indicate in the judgment in OA 1528/1997, as has been extracted earlier, to show that objection of limitation had been raised or such a point had come to be decided while the matter was disposed of. Principles of constructive res judicata do not apply here, as the case is not between the same parties. When, in a new application filed by a different person, ground of limitation on the basis of Section 21, is highlighted, the matter has to be indeed gone into. We also note that the point, as highlighted now, had not been placed before the High Court or a decision solicited. In fact, the writ petitions filed had gone in default. Annexure A-6, a copy of the order, shows that CWP 2463/98 had been disposed of in the following manner:-



"There is no appearance on behalf of the petitioner, Union of India. We also do not find any ground to interfere with the order dated 31st October, 1997 passed by the Central Administrative Tribunal, Principal Bench, New Delhi. The petition as a consequence is dismissed in limine"

Therefore, technical contentions are insufficient for us to refrain from going to the merits of the objection.

10. The respondents had also invited our attention to an order dated 12.3.2007 passed in OA 1449/2002. The point of limitation had been raised in an almost identical circumstance and in Paragraph 24, the issue had been dealt with as following:

"24. We also find merit in the arguments advanced by the respondents relating to the issue of limitation in terms of Section 21 (2) of the CAT Act as well as delay and laches in the claim agitated by the applicants. In this context, we would like to cite the following ruling of this Tribunal in a related case titled **Francis Singh v. Union of India & Ors.** (OA No. 328/2005 decided on 06.03.2007):

"7. We are also satisfied that the administration is justified in contending that the application is not maintainable for two reasons. The application is barred by limitation under Section 21 (2) of the Administrative Tribunals Act, 1985 as well as the laches which are there as the claims are agitated, after decades. Section 21 (2) prescribes a statutory bar from agitating claims, which is beyond three years from the date of Administrative Tribunals Act had come into force. Therefore, any claims before the year 1981 automatically required to be rejected because of want of jurisdiction to entertain such grievances. The standing counsel is also justified in submitting that even otherwise, there is laches, on the part of the applicant. Particular reference was made to a decision reported in 1993 (3) SC 1418 (R.C. Samantha Vs. Union of India). Long delay, which is unexplained, disentitles an adjudication. The application lacks merit and it is to be construed as not maintainable. It is dismissed with no order as to costs."

11. As a matter of fact, the claims of the applicant relate to a period beyond 1980, as highlighted in OA 2644/2006. The mandate of Section 21 (2) of the Administrative Tribunals Act is that cause of action, which

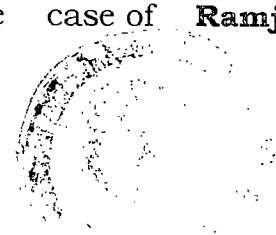
34 arose prior to three years of the Tribunal's establishment (01.11.1985) is beyond its jurisdiction and no delay can be condoned in respect thereof. Diligent claims were saved, since all the pending matters required to be transferred to the Tribunal. Therefore, there was no arbitrariness involved or injustice perpetrated.

12. Again we may examine whether the claims could be brought within the bandwagon of a continuing claim so as to save it from the vice of limitation. The applicants have a contention that the original stipulation relating to six months continuous service for claiming temporary service had been reduced to four months, and they were not extended the benefits because a re-examination was necessary as to whether in four months period, any of them qualified. But such orders had come in the year 1978, and it was in any case, well after the above temporary status was given to the applicants. Their cause of action had arisen in the year 1980 and thereabout. It was a claim for recognition of an anterior date for CPC Scales. As evidently, the claims cannot be entertained as a continuing claim, to get over the limitation, we are of the view that the application is hit by limitation and is not maintainable.

13. On the merits also, the applicants have not been able to establish that there has been any error in dealing with their claims (OA 2617/2006), which has been cited as the principal case. There was a direction by the Tribunal to consider their claims in OA 2899/2003, which had been disposed of in limine and without notice to the respondents. A contempt petition had been filed thereupon alleging that there was no compliance as CP 392/2005, and thereupon the Tribunal had directed that an order may be passed on the claims, if the applicants make available sufficient material in support of their claims urged. This has been disposed of by the impugned order of 10.7.2006.

14. The respondents had rejected the claim by a well-reasoned order. It had been pointed out that the representation submitted after the order of the Tribunal was vague and not supported by any documents, the claims after 20-25 years could not be verified as no records were available with the Department like payment vouchers and attendance registers, since such documents were to be maintained only for specified duration (5 years). Affidavits submitted by the individuals without sufficient corroborating materials could not have been taken in its face value. Rightly, therefore, it had been stated that when claims preferred at a distant stage, which had financial implications on the Government Exchequer and when there existed no mechanism, by which the Department could rule out fake or fraudulent claims, it was not possible to oblige them. Counsel submits that Annexures A-3 and A-4 had been placed by them, which were authentic, and they were to show about the dues that were payable and, therefore, the objections raised in the impugned order were, per se, not sustainable. But the authenticity of the above documents has not been able to be substantiated. Even the very nature of the claims is debatable, as to whether they have any factual foundation. The documents by themselves appear to be unreliable.

15. That appears to be the case so far as the OA 2476/2006 is also concerned. The relief claimed is rather vague when it states that 'Tribunal should allow this O.A. and direct the Respondents to grant the arrears of pay to the applicants, in terms of judgments of this Hon'ble Tribunal dated 31.10.1997, 14.1.2004 & 4.2.2005 rendered in OA's 1528/1997, 89/2004 & 1033/2004, with all consequential benefits' on principles of equality. Belated claims, which are not supported by any factual details, is difficult to be entertained. The rest of the petitions, also are preferred, on the basis of identical circumstances pleaded. It is stated that the respondents are to be directed to give pay fixation, as had been done in the case of **Ramjas & Ors. Vs. UOI and Others and Ram**



38 **Dulare and Ors. Vs. UOI & Ors.**, which had been implemented. We are of the opinion that such petitions require to be rejected at the threshold firstly as they are experimental in nature and also the seriousness, which is expected of an application under Section 19 of the Administrative Tribunals Act, is not borne in mind.

16. Although learned counsel for the applicants had invited our attention to the decision of the Delhi High Court in WPC 4834-36/2005, and 12468/2005, on the requirement to follow precedents, they do not appear to be in any way relevant, in adjudicating the matter as has now been presented before us. We have answered the reference in the previous paragraphs. The approach adopted in OA 1528/97 and also OA 1033/04 is in consonance with legal principles and statutory prescriptions, and are required to be accepted and followed.

17. Resultantly, applications are dismissed. No costs.

18. Let a copy of this order be placed in other O.As as well.

(SHAIENDRA PANDEY) (CHITRA CHOPRA)
MEMBER (A) MEMBER (A)

(M. RAMACHANDRAN)
VICE CHAIRMAN (J)

'SRD'



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दिनांक/दिनांक
प्रमाणित सत्यप्रतिलिपि (को-II)
Section Officer (J-II)
केन्द्रीय प्रशासनिक न्यायाधिकरण
Central Administrative Tribunal
प्रधान न्यायाधीश, नई दिल्ली
Principal Bench, New Delhi