

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1253/2004

M.A.No. 1055/2004

this the 21th day of May, 2004

Hon^{ble} Shri Justice V.S. Aggarwal, Chairman
Hon^{ble} Shri S.A.Singh, Member (A)

1. Karamvir Singh
S/o Sh. Mehar Singhs
HR-193/5 Prahalad Pur,
New Delhi.
2. Jay Prakash
S/o Dal Chand
R/o C-53 Ashoka Enclave-II
Sector-37 Faridabad.
3. SK Bhatt,
S/o Sh. OP Bhatt,
A-66, Ashoka Enclave-II
Sector-37 Faridabad

...Applicants

(By advocate: Shri M.K.Bhardwaj)

Versus

Union of India & Ors through:

1. The General Manager,
Northern Railway,
New Delhi-1.
2. The Divisional Railway Manager,
Delhi Division,
Northern Railway,
State Entry Road,
New Delhi-1.
3. The Divisional Railway Manager,
Northern Railway,
Jodhpur, Rajasthan.
4. The Divisional Railway Manager,
Northern Railway,
Ferozpur, Punjab.
5. Sh. Shiv Raj Pathak,
Junior Engineer II (Mech),
Northern Railway Diesel Shed
Shakurbasti, Delhi.
6. Shri Yogender Kumar
Junior Engineer II (Mech),
Northern Railway Diesel Shed,
Shakurbasti, Delhi.
7. Sh. Omkant,
S/o Sh. PK Sharma,
Junior Engineer II(Mech),
Northern Railway Diesel Shed,
Tughlakabad, New Delhi-44.

8. Sh. Anil Kumar Sharma
S/o RS Sharma,
Junior Engineer II(Mech),
Northern Railway Diesel Shed,
Tughlakabad, New Delhi-44.
9. Sh. Lakhan Pal Meena
Junior Engineer II(Mech),
Northern Railway Diesel Shed,
Ambala Cantt., Haryana.
10. Sh. Rishi Pal,

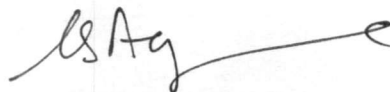
Junior Engineer II(Mech),
Northern Railway Diesel Shed,
Tughlakabad, New Delhi.
11. Sh. Raj Kumar,
S/o Sh. Ganga Ram,
Junior Engineer II(Mech),
Northern Railway Diesel Shed,
Shakurbasti, Delhi.
12. Sh. Mohinder Nath Rajak,
S/o Sh. KR Rajak
Junior Engineer II(Mech),
Northern Railway Diesel Shed,
Tughlakabad, New Delhi-44.
13. Sh. SK Jain,
S/o Sh NK Jain,
Junior Engineer II(Mech),
Northern Railway Diesel Shed,
Tughlakabad, New Delhi-44.
14. Sh. Virender Pal
Junior Engineer II(Elect),
Northern Railway Diesel Shed,
Tughlakabad, New Delhi-44.
15. Sh. Rajesh Kumar
S/o Sh. Tula Ram,
Junior Engineer II(Elect.),
Northern Railway Diesel Shed,
Tughlakabad, New Delhi-44.

... Respondents

O R D E R (ORAL)

Shri Justice V.S. Aggarwal:

By virtue of the present application, the applicants seek to set aside the impugned order of 15.11.1996 whereby, according to the applicants, the Junior Engineers recruited in Jodhpur and Ferojpur Divisions have been inserted in the seniority of Junior Engineers appointed in Delhi Division.




2. At this stage, without dwelling into merits of the merits of the matter, we asked the learned counsel for the applicants to know us as to why the O.A. has not been filed within the time. The learned counsel for the applicants has pointed that the delay was due to the fact that the representations filed by the applicants had not been decided.

3. The principle of law is well-settled. We refer to the well-known decision of the Supreme Court in the case of S.S.Rathore Vs. State of Madhya Pradesh AIR 1990 SC 10 where it is held that repeated representation will not extend the period of limitation. Therefore, the said contention necessarily has to fail. The seniority, if any, has been disturbed on 15.11.96. The applicants herein did not challenge the seniority in time and have challenged the same only after a lapse of more than 7 ^{years} 1/2 which is highly belated. The cause of action arose when the seniority had been drawn and the applicants should have challenged the same at the relevant time.

4. In the circumstances, the application must fail being barred by time and the same is dismissed.


(S.A. Singh)
Member (A)


(V.S. Aggarwal)
Chairman