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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH : NEW DELHI

O.A.No.2494 of 1992

Dated New Delhi, this the 31st day of May, 1994

Hon'ble Shri J. P. Sharma, Member(J)  
Hon'ble Shri B. K. Singh, Member(A)

Kumar

1. Nirmal Ghosh,  
S/o. Manmath Ghosh
2. Chittaranjan Patra  
S/o. Malini Ranjan Patra
3. Asis Ghosh  
S/o. Baidyanath Ghosh
4. Tarun Kumar Hatui  
S/o. Banchhanidhi Hatui
5. Manash Kumar Patra,  
S/o. Pulin Bihari Patra
6. Bimal Chandra Ghosh  
S/o. Manmatha Ghosh
7. Khager Chandra Hatai  
S/o. Rudra Narayan Hatui
8. G. Suriya Rao,  
S/o. Late G. P. Rao
9. Kalu Charan Behera,  
S/o. Natabar Behera
10. Saryasi Pramanik,  
S/o. Surendra Pramanik
11. Sarat Chandra Nayak,  
S/o. Harihar Nayak
12. Aril Kumar Mohapatra  
S/o. Anadi Charan Mohapatra
13. Susanta Kumar Bhuyan,  
S/o. Bhanu Charan Bhuyan
14. Bijay Kumar Jena,  
S/o. Tim Charan Jena
15. Ratikanta Bhoi,  
S/o. Bhikari Charan Bhoi
16. Baikuntha Nath Bhoi,  
S/o. Bhaskar Bhoi
17. Ghanashyam Sahoo,  
S/o. Gopabandhu Sahoo
18. Suryamani Bhoi  
S/o. Bhaskar Bhoi
19. Aparesh Bhoi,  
S/o. Dibakar Bhoi
20. Paresh Chandra Barik,  
S/o. Late Baikuntha Nath Barik

21. Dillip Kumar Patra,  
S/o.Bamadev Patra
22. Gangadhar Kamila  
S/o.Dhuleswar Kamila
23. Ajay Kumar Mohanty,  
S/o.Gopal Chandra Moharty
24. Kishore Kumar Kamila,  
S/o.Gangadhar Kamila
25. Sasanka Maity,  
S/o.Surendra Nath Maity
26. Manik lal Das,  
S/o.Bankim Chandra Das
27. Banabihari Jana,  
S/o.Kartick Chandra Jana
28. Rama Chandra Mandal,  
S/o.Nilakantha Mandal
29. Chakradhar Bhuyan,  
S/o.Ram Chandra Bhuyan
30. Laxman Mandal,  
S/o.Nilakantha Mandal
31. Rabindra Kumar Dutta,  
S/o.Prafulla Chandra Dutta
32. Pradeep Kumar Dutta,  
S/o.Rajendra Narayan Dutta
33. S.Hari Babu,  
S/o.Late S.Kali Babu
34. S.Kali Prasad,  
S/o.Late S.Kali Babu
35. Harihar Sahoo.  
S/o.Brajamohan Sahoo
36. Ajay Kumar Dey,  
S/o.Sanatan Dey
37. Banshidhar Pramanik,  
S/o.Rukhsa Furna Chandra Pramanik
38. Khagen Bharati,  
S/o.Danei Bharati
39. Kuber Chandra Jena,  
S/o.Srikanta Jena
40. Kruttibas Behera,  
S/o.Kedarnath Behera

41. Gopinath Behera,  
S/o.Late Benudhar Behera

42. Radhamohan Sahoo,  
S/o.Chintamani Sahoo

43. Rabindra Nath Panigrahi,  
S/o.Srikanta Panigrahi

44. ~~B~~ Bishnu Narayan Panigrahi,  
S/o.Muralidhar Panigrahi

45. Purra Chandra Panigrahi,  
S/o.Muralidhar Panigrahi

46. Muralidhar Das,  
S/o.Late Laxmidhar Das

47. Shyamapada Das,  
S/o.Sailesh Chandra Das

48. Mrunalkanti Das,  
S/o.Sudhansu Sekhar Das

49. Abhimanyu Mohanty,  
S/o.Late Giridhari Mohanty

50. Karunakar Pradhan,  
S/o.Chintamani Pradhan

51. Chittaranjan Nayak,  
S/o.Naba Kumar Nayak

52. Niranjan Nayak,  
S/o.Naba Kumar Nayak

53. Arun Kumar Kamila  
S/o.Banshidhar Kamila

54. Kedar Nath Jena,  
S/o.Late Gangadhar Jena

55. Basanta Kumar Pradhan,  
S/o.Bijay Kumar Pradhan

56. Prafulla Chandra Pradhan,  
S/o.Kangali Charan Pradhan

57. Bansidhar Das,  
S/o.Purendranath Das

58. Rabindra Nath Aich,  
S/o.Gajendra Nath Aich

59. Kishore Kumar Tarai,  
S/o.Rakhal Chandra Tarai

60. Khateswar Tarai,  
S/o.Muralidhar Tarai

61. Jagnešwar Mohanty  
S/o.Ganga Narayan Mohanty
62. Narendra Nath Aich,  
S/o.Late Panchanan Aich
63. Bhupen Chandra Behera,  
S/o.Ganesh Chandra Behera
64. Narayan Chandra Sahoo(A)  
S/o.Jhadeswar Sahoo
65. Sripati Charan Paul,  
S/o.Sadasiba Paul
66. Sanata Kumar Das Adhikary,  
S/o.Purna Chandra Das Adhikary
67. Pradip Kumar Senapati,  
S/o.Sarbeswar Senapati
68. Jatindra Nath Behera,  
S/o.Kedar Nath Behera
69. Ajay Kumar Parida,  
S/o.Late Surendra Nath Parida
70. Bijay Kumar Parida,  
S/o.Late Surendra Nath Parida
71. Harish Chandra Si,  
S/o.Ra,akanta Si
72. Harekrushna Panigrahi,  
S/o.Muralidhar Panigrahi
73. Nirakar Panigrahi,  
S/o.Muralidhar Panigrahi
74. Gouri Shankar Das,  
S/o.Late Pravaker Das
75. Bhupati Mohan Saha,  
S/o.Lalmohan Saha
76. Gadadhar Pradhan,  
S/o.Managobinda Pradhan
77. Ramakanta Jena,  
S/o.Kartik Chandra Jena
78. Nilakantha Samal,  
S/o.Ganesh Chandra Samal
79. Manoranjan Dey,  
S/o.Ramanath Dey
80. Pradeep Kumar Panigrahi,  
S/o.Panchanan Panigrahi

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81. Manoranjan Behera,  
S/o.Gopinath Behera
82. Narayan Chandra Sahoo(B)  
S/o.Kanhu Charan Sahoo
83. Chandrakanta Sahoo,  
S/o.Kanhu Charan Sahoo
84. Ananta Kumar Das Mohapatra,  
S/o.Late Barkim Chandra Das Mohapatra
85. Bhabagraghi Panda,  
S/o.Late Padmanav Panda
86. Barendra Behera,  
S/o.Kusha Charan Behera
87. Harekrushna Rath,  
S/o.Late Govinda Rath
88. Sasank Sekhar Samal,  
S/o.Nanagobinda Samal
89. Suresh Chandra Panda,  
S/o.Rasananda Panda
90. Sudhanshu Sekhar Samal,  
S/o.Nanagobinda Samal
91. Budhiram Soren,  
S/o.Begar Soren
92. Pradip Kumar Nayak,  
S/o.Rajendra Prasad Nayak
93. Narayan Chandra Behuria,  
S/o.Udaynath Behuria
94. ~~JanatikakshGiri~~, Janmejoy Giri  
S/o.Surendra Nath Giri
95. Jogendra Nath Patra  
S/o.X Banamali Patra
96. Nabaghan Mallick,  
S/o.Late Balakrushna Mallick
97. Biswambhara Acharya  
S/o.Digambar Acharya
98. ~~R~~ Bijay Kumar Jena,  
S/o.Mahendranath Jena
99. Bidyadhar Behera,  
S/o.Panchanan Behera
100. Mrutyunjay Kumar Giri,  
S/o.Late Surendra Nath Giri

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101. Dillip Kumar Bhuyan  
S/o.Frafulla Kumar Bhuyan
102. Jayanta Kumar Samal,  
S/o.Gangadhar Samal
103. Aparti Behera,  
S/o.Phakan Behera
104. Dillip Kumar Das,  
S/o.Jhadeswar Das
105. Gourahari Bhat,  
S/o.Late Babu Charan Bhat
106. Sanjaya Kumar Dey,  
S/o.Srihari Dey
107. Sudhir Kumar Giri,  
S/o.Biswakeshan Giri,
108. Akshay Kumar Mohata  
S/o.Late Jagannath Mohata
109. Srikanta Mahal,  
S/o.Prahallad Mahal
110. Sunil Kumar Mohanty,  
S/o.Sushil Kumar Mohanty
111. Jagannath Parida,  
S/o.Rajendra Nath Parida
112. Braja Gopal Dutta,  
S/o.Jai Narayan Dutta
113. Bhajahari Jena,  
S/o. Arjun Charan Jena
114. Ananta Narayan Panda,  
S/o.Bishnupada Panda
115. Jarmejoy Sarangi,  
S/o.Late Baikuntha Nath Sarangi
116. Mrutyunjay Sahoc,  
S/o.Sashadhar Sahoo,
117. Ashok Kumar Pradhan.  
S/o.Dinabandhu Pradhan
118. Sujay Kumar Sur,  
S/o.Ramesh Chandra Sur
119. Miranjan Behera,  
S/o.Surendra Behera
120. Chittaranjan Pradhan,  
S/o.Ramahari Pradhan

... Applicants

(By Advocate: Shri C. S. Panda)

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Versus

1. Union of India through the Secretary  
Ministry of Personnel,  
Public Grievances and Pensions,  
Department of Personnel and Training,  
North Block, New Delhi-110 001.
2. The Secretary,  
Union of India,  
Ministry of Welfare,  
Shastri Bhawan,  
NEW DELHI-110 001.
3. Chairman,  
Railway Board,  
Rail Bhawan,  
New Delhi-110 001.
4. Chief Personnel Officer (Administration)  
South Eastern Railway,  
11, Garden Reach Road,  
Calcutta- 700 043.
5. Assistant Personnel Officer,  
South Eastern Railway,  
At/PO. KHARAGPUR  
Dist. Midnapore (West Bengal)
6. Prasanna Kumar Behera,  
Radhakartapur Leprosy Association,  
Sri Aurobindo Nagar,  
PO. HARIPUR, Via: Amarda  
Dist. Nayurbhanj (Orissa)  
Pin 757 055

..... RESPONDENTS.

(By Advocate Shri H. K. Gangwani)

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O R D E R  
(Oral)

Shri J. P. Sharma, M(J)

In the present application, no specific order has been challenged except the memo dated 16.7.92 issued by Office of the D.R.M.(P), Kharagpur for provisional appointment in Cl.IV of one Shri Prasanna Kumar Behera impleaded as Respondent no.6. In the details of the order against which the application is made, a also reference has been made to the Government notification dated 25.12.71 and 5.10.81 for making appointments of cured leprosy persons in Group 'C' & 'D' posts on "first come, first serve" basis. The grievance projected is that said Shri Prasanna Kumar Behera submitted his application in the year 1985 in the month of June while one Shri G. Surya Rao, in June, 1984.

1. The reliefs claimed are:

2. The reliefs claimed by the applicants are:

"(i) Quash the impugned illegal appointment order dated 16.7.92 (vide Annexure-'A1') issued by the Respondent No.5 and issue direction to the Respondent No.4 to consider the applicants. Applications dated 8.6.84 (vide Annexure-'A4') along with the Respondent No.6's application dated 15.6.85(vide Annexure-'A6') in terms of Govt. Notifications dated 25.12.71 and Annexure-'A5'(collly).

(ii) xx xx "

3. None of the applicants come within the territorial jurisdiction of this Tribunal. The applicants have said to have given the power of Attorney to one Shri Dibakar Bhoi. The Power of Attorney is on record. All these 120 applicants

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where their address is shown as Rural Entitlement Centre,  
Sri Aurobindo Nagar, P.O. Haripur Via Amarda, District  
Mayurbhanj, Orissa. Thus the normal residence of any of  
these applicants is not within the territorial  
jurisdiction of the Principal Bench. This OA came for  
hearing after the issue of notice to the respondents  
on 23.8.93 when Shri H. K. Gangwani appeared for the  
respondents and none appeared for the applicants and  
the OA was dismissed in default.

4. The respondents have also filed their <sup>reply</sup> and opposed  
the admission of this application and also contested  
the same on merits enclosing as annexure to the counter  
the report of examination of persons claiming to have  
suffered leprosy in connection with the recruitment by  
S. E. Railways. This report is dated 14.2.90.  
Dr P. Vijaya Kumaran, Senior Medical Officer of  
Schieffelin Leprosy Research & Training Centre, Karigiri  
examined 102 persons clinically and only 24 persons  
were found to have signs of resolved leprosy whereas  
78 did not have any signs of leprosy. A few persons  
had deformities which were not however related to  
leprosy.

5. After the dismissal of this application MP.4000/92  
was filed on 14.12.92 purporting to be a petition  
for condonation of delay in filing the OA. No. 2494/92.

This application for condonation of delay is not signed by any of the 120 applicants. No reason whatsoever of not filing the application within time exhibiting substantial and reasonable cause has been averred in the application. The petition runs into only ... eleven lines which does not show any reason whatsoever. This application is also not supported by affidavit by any of the 120 applicants. The Power of Attorney holder Shri Dibakar Bhoi who was only appointed to prosecute this application, cannot originally give any reasons which were available to the applicants for not coming to the Tribunal within limitation.

6. MP.3087/93 has been moved on 22.9.93 to restore in OA.2494/92, the MP.4000/92 by recalling order of dismissal dated 7.10.93. MP.200/94 has been moved to recall the order of dismissing MP.3087/93 as well as to recall the order on MP.4000/92. None of the petitions are signed by any of the applicants or the Power of Attorney holder, Shri Dibakar Bhoi.

7. Shri C. S. Panda appears for the applicants in all these applications and he has filed his own affidavit to the effect that he could not be present on 7.10.93 because of illness and therefore the order of 7.10.93 be recalled. The affidavit of the learned counsel of the applicant has some force and we accept

the averments made in the affidavit as true statement of facts. However, the basic point that involves is MP.3087/93 has not been signed by any of the applicants nor MP.4000/92 has been signed by any of the applicants nor any affidavit in support has been filed by any of the applicants to make out a substantial and reasonable cause for condoning the delay caused in filing this application.

8. The learned counsel for the respondents, Shri H. K. Gangwani, besides taking objection of territorial jurisdiction of this Tribunal, has also raised the issue of limitation both in filing OA as well as that MP for condonation of delay has not been signed by any of the applicants. The facts which are specifically in knowledge of the applicants, cannot be deposed by a Power of Attorney holder. He is only authorised to act during the pendency of the proceedings before the Tribunal and cannot act for a period earlier to filing of this application stating facts which are not in his knowledge.

9. In view of this, the present application does not lie within the territorial jurisdiction of this Tribunal and is also barred by limitation. The present application is therefore dismissed with liberty to the applicant to approach the proper forum, if so advised and if they make

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out a case for condonation of delay before that  
forum. OA and MPs are disposed of accordingly.

Cost on parties.

  
(B. K. Singh)  
Member (A)

  
(J. P. Sharma)  
Member (J)

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