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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

OA.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. Khagen Chandra Hatui
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 Framanik,
S/o. Surendra Framanik
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. Aparesb Bhoi,
S/o. Dibakar Bhoi
20. Paresh Chandra Barik,
S/o. Late Baikuntha Nath Barik

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21. Dillip Kumer Patra,
S/o.Bamadev Patra
22. Gangadhar Kamila
S/o.Dhuleswar Kamila
23. Ajay Kumar Mohanty,
S/o.Gopal Chandra Mohanty
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.~~Rukun~~ Purna 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 Dar
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 Terai,
S/o.Rakhal Chandra Terai
60. Khateswar Terai,
S/o.Muralidhar Terai

61. Jagreswar 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 Pravakar Das
75. Bhupati Mohan Saha,
S/o.Lalmohan Saha
76. Gadadhara 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. Hanoranjana 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. Bhabagrahi 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.Managobinda 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. ~~xxxxxx~~ Janmejyoti Giri,
S/o.Surendra Nath Giri
95. Jogendra Nath Patra
S/o. Banamali Patra
96. Nabaghan Mallick,
S/o.Late Balakrushna Mallick
97. Biswambhara Acharya
S/o.Digambar Acharya
98. 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. Prafulla 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 Mahata
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. Jarnejoy Sarangi,
S/o. Late Baikuntha Nath Sarangi
116. Mrutyunjay Sahoo,
S/o. Sashadhara 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,
Radhakantapur Leprosy Association,
Sri Aurobindo Nagar,
PO. HARIPUR, Via: Amarja
Dist. Mayurbhanj (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 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.

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'(colly).

(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^{as} 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 non appeared for the applicants and the OA was dismissed in default.

4. The respondents have also filed their ^{reply} and oppose^d 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.

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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.

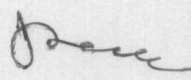
9. In view of this, the present application does not lie within the territorial jurisdiction of this Tribunal and is also barred by limitation. The present application is therefore dismissed with liberty to the applicant to approach the proper forum, if so advised and if they make

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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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