

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA NO.: 3125/1992

(18)

New Delhi this the 29th day of November, 2000

Hon'ble Mr. S.R. Adige, Vice-Chairman(A)  
Hon'ble Dr. A Vedavalli, Member(J)

Shri Narayan Prasad, S/o Shri Babu Paten,  
Din Lal  
C/o D-83, Gulmohar Park,  
New Delhi.

....Applicant

(By Advocate: Shri S.K. Bisaria)

Versus

1. Union of India  
through Ministry of Railways,  
Rail Bhawan, New Delhi.
2. General Manager,  
Northern Railway,  
Baroda House, New Delhi.

....Respondents

(By Advocate: Shri R.L. Dhawan)

O R D E R (Oral)

By Mr. S.R. Adige VC(A).

Applicant seeks a direction to respondents to grant him seniority and promotion consequent to Tribunal's Order dated 11.7.88 in OA 383/87 with all consequential benefits. Specifically he seeks a direction to fix his seniority in the cadre of CG-II w.e.f. 7.2.59 and grant him promotion as C.G-I w.e.f. 7.8.63 with consequential benefits.

2. We note that the OA was filed on 30.11.92. It was dismissed for default on 15.5.98. MA 719/2000 filed for restoration of OA was also dismissed for default and non-prosecution on 12.5.2000. Thereupon MA No 1549/2000 was filed for recalling the order dated 12.5.2000, upon which notice was issued on 7.7.2000 to respondents to file reply but despite services of notice as none appeared on behalf of the respondents nor was any reply filed by them, by order dated 15.9.2000 the OA was restored to its original position. 3. We have heard learned counsel for both parties.

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4. Shri Bisaria sought to get over the hurdle of limitation by inviting our attention to order dated 10.10.91 dismissing CP 206/89 filed in connection with alleged non implementation of the Tribunal's Order dated 11.07.88 in OA No.383/87 wherein while dismissing the CP, the Tribunal held that in case applicant was aggrieved he was at liberty to file a fresh application in accordance with law.

5. We note that in para 4 of the Tribunal's order dated 11.7.88 in OA 383/87 itself it had been stated that limitation in regard to the applicant's claims would arise from 2.12.85, and that being so the present OA which was filed on 30.11.1992 is squarely hit by limitation as per Section 21 of the Administrative Tribunals Act, 1985. Furthermore, there is not even an application for condonation of delay made in the present OA.

6. In the Tribunal's order dated 10.10.91 on the CP No. 206/89 liberty had been granted to applicant to file a fresh application in accordance with law, which includes the law of limitation, and in the present case we find that the claim is clearly hit by limitation.

7. Under the circumstances, the OA is dismissed. No costs.

A. Vedavalli

(DR. A VEDAVALLI)  
MEMBER(J)

/kedar/

Antony  
(S.R. ADIGE)  
VICE-CHAIRMAN(A)