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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 2539/93

MA-3558/93

New Delhi, dated the 21th Feb., 1994

Hon'ble Mr. N.V.Krishnan, Vice Chairman(A)

Hon'ble Mr. B.S. Hegde, Member(Judicial)

Union of India through

1. General Manager,
Northern Railway,
Baroda House, New Delhi-110001
2. Divisional Personnel Officer,
Bikaner Division, Northern Railway,
D.R.M.'s Office-Bikaner-334001.

Applicants

(By Advocate Sh.R.L.Dhawan)

Versus

1. Shri Bishamber S/o Sh.Mohan Singh
Waterman,
C.I.O.W. Bikaner Division,
Northern Railway, Rewari.
2. Presiding Officer,
Central Govt.Labour Court,
Ansal Bhawan-11th Floor,
Kasturba Gandhi Marg, New Delhi

Respondents

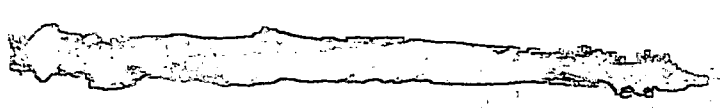
(None for the respondents)

ORDER(ORAL)

(Hon'ble Mr. N.V.Krishnan, Vice Chairman(A))

O.A. is for quashing the Ann.A-1
order of the Central Govt.Labour Court, New Delhi
in L.C.A. No. 126/91. Applicants have filed
MA 3558/93 to condone the delay. Notice of the
M.A. has been sent to the respondent for reply

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Notice has been served on 8.1.1994 on the first respondent who is the affected party. Neither he is present nor he has filed^a reply.

2. In the circumstances, we have heard the learned counsel for the applicant. It is stated that the applicant applied for certified copy on 26.11.1992 i.e. more than 15 months after the impugned order was passed. Certified copy was ready on 31.12.1992.

3. Learned counsel for the applicant does not state on which date certified copy was collected but he has stated in the MA that it was received by the IInd respondent i.e. Divisional Personnel Officer, Bikaner Division, Northern Railway, D.R.M. Office Bikaner on 4.6.1993. This O.A. has been filed thereafter on 22.11.1993.

4. Learned counsel for the applicant submits that the order of the Labour Court is bad on the basis of lack of jurisdiction. Amount involving is about Rs 3900/- and delay if any, occurred due to negligence of the counsel appearing for the Railway in the lower Court. He, therefore, prays that the delay should be condoned.


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5. We have ~~considered~~ this prayer, We are of the view, that an organisation like the Indian Rlys should have no cause to make such a plea. We are not impressed by the arguments that the mistake was of the counsel. Nothing prevented the Railways from appointing an officer-in-charge of the case or to direct an official to remain present at the hearing. In fact the impugned order was passed in the presence of Shri M. Bhakar for the Management. No reason is given why certified copy was applied for on 26.11.92 i.e. after 15 months by which time the normal period of limitation had already expired. Similarly, the delay in collecting the certified copy is not explained.

6. In the circumstances. MA for condonation of delay is rejected. OA stands dismissed as time barred.

(B.S. Hegde)
Member(J)


21.2.94
(N.V. Krishnan)
Vice Chairman(A)

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