

12

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

MA No.865/94 & OA No.715/93

NEW DELHI THE 19TH DAY OF APRIL, 1994.

MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN(J)  
MR.B.K.SINGH, MEMBER(A)

Union of India through

1. The General Manager.  
Northern Railway  
Baroda House  
New Delhi.

2. The Divisional Personnel Officer  
Office of the Divisional Railway Manager  
Northern Railway  
New Delhi.

...APPLICANTS

BY ADVOCATE SHRI P.S.MAHENDRU.

VS.

Shri Chet Ram  
S/o Shri Bhagu Ram  
C/o Shri Pratap Rai  
Quarter No.T-79-C  
Railway Loco Colony,  
Bara Hindu Rao  
Delhi-110006.

...

RESPONDENT

ORDER(ORAL)

JUSTICE S.K.DHAON:

MA No.865/94

This is an application on behalf of the Union of India(the applicants) praying that the heirs/legal representatives of Sh.Chet Ram, the sole respondent, may be brought on record.

2. In paragraph 2 of the MA it is averred that on 14.10.1993, it transpired to the official of the Union of India(the applicants) that the sole respondent had died on 18.7.1993. In spite of death, the dasti notice which the official had taken was served upon Smt.Mayika Devi, widow of the sole respondent. It is to be noted that though the application is dated 28.2.1994, it was actually filed in the Tribunal on 8.3.1994. It is further noted that this application is not supported by an application/condonation of delay. It is true that apart from Rule 18 of the Central Administrative Tribunal(Procedure) Rules, 1987, there is no other rule which takes care of the situation where a respondent to the OA under

Section 19 of the Administrative Tribunals Act, 1985 is dead. Rule 18 undoubtedly is confined to a situation where the applicant has died and, therefore, a duty is cast upon the legal representatives of the deceased party to apply within ninety days of the date of such death for being brought on record as necessary parties. It is also provided that where no application is received from the legal representatives within the period specified in sub-rule(1), the proceedings against the deceased party shall abate. However, the normal rule is that the proceedings abate if and when an applicant or a respondent dies. However, the question to be examined is whether in spite of the death and in spite of the fact that the legal representatives of the deceased party have not been brought on record, the cause of action survives.

4. In the instant case, the Union of India feels aggrieved by an order passed by the competent Labour Court in favour of Sh.Chet Ram, the sole respondent Sh.Chet Ram, it appears, filed an application under Section 33-C(2) of the Industrial Disputes Act claiming certain sum payable to him by the Union of India and ors. The Labour Court computed a sum of Rs.20260.60 as payable to Sh.Chet Ram. The rounded off amount is Rs.20261. The cause of action, therefore, for filing this application accrued to the Union of India on the basis of the order passed in favour of Sh.Chet Ram. Sh.Chet Ram having died, it automatically follows that the cause of action does not survive. No application having been made on behalf of the applicants (Union of India & ors.) within the usual period of 90 days for bringing the legal representatives on record and no

16

satisfactory explanation having been offered for the delay in making the application, we have no option but to hold that, in the circumstances of the case, the legal heirs and representatives of Sh. Chet Ram cannot be brought on record. Even in the absence of prescribed period of 90 days, it is well-settled that a party has to act within a reasonable period. The yardstick of reasonableness so far as the application for substitution is concerned is contained in Rule 18 itself. It is 90 days from the death of the party. However, the rigour of the rule has been relaxed by giving jurisdiction to the court to condone the delay, if a case is made out. No case having been made out for the condonation of delay, natural consequences would follow. This MA is rejected.

OA No.715/93

Since MA No.865/93 is dimissed, OA No.715/93 abates and is consigned to record

  
(B.K.SINGH)  
MEMBER(A)

  
(S.K.DHAON)  
VICE-CHAIRMAN(J)

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