

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 719 OF 1998

ALLAHABAD, THIS THE 22nd DAY OF JANUARY, 2004

HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)

1. Bhaiya Lal,
s/o Shri Janggi
2. Bal Kishan
s/o Bhuja,
3. Shiv Raj,
s/o Shri Rameshwar
4. Gajraj
s/o Shri Rameshwar
5. Baboo Ram,
s/o Shri Daya Prasad.
6. Gajraj,
s/o Shri Puran.
7. Kallu
s/o Shri Badal.

All are the resident of village
and post Patyora, Distt. Hamirpur.

(By Adv. Shri R.K. Rajan -Absent)

.....Applicants

V E R S U S

1. Union of India through
the Secretary, Ministry of Railway,
Rail Bhawan, New Delhi.
2. The General Manager,
Mumbai V.T.
Mumbai.
3. The Divisional Railway Manager,
Jhansi.
4. The Inspector of Works,
Central Railway Juhu Under
Divisional Railway Manager,
Jhansi.

.....Respondents

(By Advocate : Shri G.P. Agarwal)

O R D E R

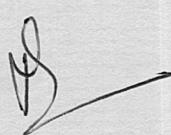
None for the applicant even in the revised call. It is



seen applicant had not been appearing in the matter and repeated adjournments were being sought, therefore, after giving him a lot of opportunities, a detailed order was passed on 11.03.2003 whereby last opportunity was given to the applicant's counsel and it was made clear that in case, he does not appear even on the next date, the case shall be decided on the basis of pleadings available on record. Copy of the order was sent through registered post to the applicant's counsel. Inspite of it, he is not present today. Since this is an old case pertaining to the year 1998, I am deciding the same on merits by attracting Rule 15(1) of C.A.T. Procedure Rule 1987 after hearing the respondents counsel.

2. I have seen the pleadings of this O.A. and find that even though applicants numbering 7 have sought a direction to the respondents to reengage the applicants in service as juniors have been reengaged but in the O.A. no averments have made at all as to for which period applicants had worked and what place. They have not even given the names of juniors who are alleged to have been re-engaged by the Railway Administration and a very vague averment is made that some juniors have been re-engaged. Applicants have relied on the judgment given in O.A. No.1550/92 and have sought the benefit of the said judgment. Since this O.A. is absolutely vague and does not even give the basic fact, no merit is found in the O.A. It goes without saying that cases can be adjudicated only when some issue is raised by the parties by giving atleast the basic facts giving rise to the such issues. In this case though nothing can be made out from the O.A. but the representation[#], which is annexed as Annexure-7 with the O.A. shows that applicants had last worked as per their averment in the said representation in 1977 to 1978 and 1981 to 1983 whereas the present O.A. has been filed in the

B. Dodiya ^{ah}



year 1998 i.e. after 15 years. This representation is also not acknowledged by the authorities. Applicants have also not shown as to what cause of action has arisen in their favour in the year 1998. If they were dis-engaged in the year 1983 as they have stated in the so-called representations, then their cause of action had arisen at that time and they should have ^{law} ~~be~~ agitated the grievance in appropriate forum within a reasonable time, but no such effort~~s~~ was made by the applicants.

3. In the case of RATAM CHANDRA SAMMANTA & ORS. VS. UNION OF INDIA AND OTHERS reported in 1993(3)SC 418, Hon'ble Supreme Court has held that delay deprives the person of the remedy available in law. A person who has lost his remedy by lapse of time loses his right as well. A Writ is issued by the court in favour of a person who has some right and not for sake of roving enquiry leaving scope for manoeuvring. In the said case, Casual Labourers had approached the Hon'ble Supreme Court after 15 years that to ~~be~~ without giving the basic facts and relevant records. Therefore, the petition~~s~~ were dismissed by observing as above. This case is fully covered by the Judgment given by the Hon'ble Supreme Court as mentioned above as here also the applicants have approached the Tribunal after 15 years and even now they have not given the basic facts nor have annexed any documents to show that they have ^{any} ~~not~~ right to claim re-engagement. This O.A. is hopelessly barred by limitation and applicants have not even filed any application for the case of condonation of delay. In RAMESH CHANDRA SHARMA etc. VS. UDHAM SINGH reported in 2000(2)AISLJ 89, the Hon'ble Supreme Court has held that where the case ^{is} barred by limitation and applicants have not even sought condonation of delay, Tribunal can not even look~~s~~ into the merits of the case, as such cases, have to



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be thrown out being barred by limitation. As limitation cannot be waived unless it has been applied for. Since this case is fully covered by the Judgments of Hon'ble Supreme Court in the above mentioned cases, the same is dismissed. No order as to costs.



Member (J)

shukla/-