

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 28th DAY OF JULY 2009)

Hon'ble Mr. A.K. Gaur, Member (J)
Hon'ble Mr. D.C. Lakha Member (A)

Original Application No.1158 of 2005

(U/S 19, Administrative Tribunal Act, 1985)

1. Om Prakash aged about 48 years, Son of Late Shri Ganga Dhar, Resident of Mkohalla Isai Tola, House No.286 Kaushal Singh Colony, Ghariya Phatak, Prem Nagar, Jhansi.
2. Hem Raj, aged about 49 years son of Late Shri Maha Dev Singh, Resident of Sumer Nagar, Isai Tola, Prem Nagar, Jhansi.

..... ***Applicants***

Versus

1. Union of India through General Manager, North Central Railway, Nawab Yusuf Road , Allahabad.
2. Divisional Railway Manager, North Central Railway, Jhansi Division, Jhansi.
3. Chief Works Manager (Workshop), North Central Railway, Jhansi Division, Jhansi.

..... ***Respondents***

Present for Applicant : ***Shri Rakesh Verma***

Present for Respondents : ***Shri S.K. Shukla***

ORDER

(Delivered by Hon'ble Mr. A.K. Gaur, J.M.)

We have heard Shri Rakesh Verma, learned counsel for the applicant and Shri S.K. Shukla , counsel for the respondents.

2. Learned counsel for the respondents raised preliminary objection that the Original Application is time barred and no reasonable or plausible explanation has been offered by the applicant and also

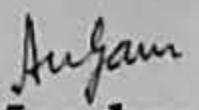
✓

submitted that no application for delay supported with an affidavit has been filed.

3. Learned counsel for the applicant submitted that no cause of action had arisen in the year, 1994 and he made various representations to the Competent Authority.

4. Having heard parties counsel. Prima facie, we are satisfied that the OA is inordinately time barred for which no reasonable or plausible explanation has been offered by the applicant. In view of law laid down by the Hon'ble Supreme Court in the case of **R.C. Sharma Vs. Udhamp Singh Kamal reported in 2000 SCC (L&S) 53**, the OA is not legally maintainable. It is well settled that a series of the representation will not extend the period of limitation, in view of the decision of Hon'ble Supreme Court in the case of **Karnataka Power Corporation Vs. K. Thangappan reported in 2000 (6) SCC (L&S) 791**. Accordingly, the OA is dismissed on the ground of delay and laches. No costs.


Member-A


Member-J

//Sushil//