

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Misc. Application No.5807 of 2005
in
Original Application No. 1610 of 2005

Dated: This the 15th day of April 2009

Hon'ble Mr. Justice A. K. Yog, Member (J)
Hon'ble Mrs. Manjulika Gautam, Member (A)

Pradeep Zutshi,
Aged about 55 years,
Son of Late Kedar Nath Zutshi,
Resident of 792-Chamanganj-Sipri Bazar,
Jhansi.

.....Applicant

By Adv: Shri A.K. Srivastava

V E R S U S

1. Union of India through General Manager,
North Central Railway, Allahabad.
2. Divisional Railway Manager,
North Central Railway,
Jhansi Division, Jhansi.
3. Senior Divisional Personnel Officer,
North Central Railway,
Jhansi Division, Jhansi.

.....Respondents

By Adv: Shri U. S. Mishra

O R D E R

Delivered by Justice A. K. Yog, Member (J)

1. Heard Shri A.K. Srivastava, Advocate on behalf of the applicant and Shri U.S. Mishra, Advocate, on behalf of the respondents.

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2. Misc. Application No.5807 of 2005-with prayer to condone delay in filing OA. It is supported by 'affidavit' purported to have been sworn by Pradeep Zutshi whereas it is neither the Advocate (in question) signed it below 'identification clause' nor 'swearing clause' has been filled up. Shri A. K. Srivastava, Advocate however, placed his signature-without seeking permission of the Bench and hence scored it out on the objection of the Bench.

3. In the ends of justice, we ignore the affidavit and decide the Application taking into account the contents of the Application (as such). We find no sufficient cause shown in the said application.

4. Relevant contents of Para 1 to 6 of the application read:-

"1. *That the applicant being not in a position to understand the implication of law providing for limitation for approaching this Tribunal.*

2. *That the applicant was hoping that respondents shall follow the rules and law of the Railway Services accordingly they shall provide the rights and dues as per entitlement to the applicant, but they have never cared about the rules and law.*

3. *That the applicant was bound to file a contempt application before this Hon'ble Tribunal. In which the respondents have submitted a wrong statement, which was purely false. In this way the respondents have misled this Hon'ble Court. The same was decided on 25.02.2004. the Hon'ble Tribunal was pleased to give privilege for filing a Original Application in Case the applicant may not be satisfied with the order dated 10.05.2002 passed in their favour, if that be so, they may challenge the same on Original Side.*

4. *That the applicant have approached the concerning authorities for getting justice from all corner, but no action could be done by them other than giving*

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assurance for providing the benefits in due course of period.

5. That the applicant is facing this problem every month at the time of getting salary. If pay protection would have been made by the respondents as per rules, this recurring cause of action would have not been raised every month, as such a very large amount was lost in the many previous years of services and the action of the respondents are not in action to justify the rights of the applicant.
6. That the applicant was hoping that the respondents shall cooperate through the rules and shall give the arrear and dues, for which he is entitled, but respondents have their own monopoly by not giving right to the applicant, under the circumstances the applicant is bound to take shelter of this Hon'ble Tribunal for getting justice. Therefore, it is necessary in the interest of justice that the delay in filing the present original application may kindly be condoned by this Hon'ble Tribunal.

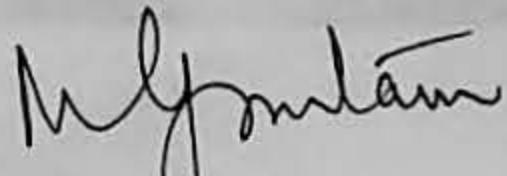
5. From the above it is clear that there is no categorical explanation in para 4 (quoted above). Evidently 'half-hearted' attempt to offer jurisdiction for delay-in a cryptic and vague manner-does not satisfy requirement of law to condone delay.

6. We have also perused the order of the Tribunal dated 25.02.2004 in Contempt Application no.133 of 2003 (arising out of original application no.127 of 1996) Photostat copy filed as Annexure-1 to the OA.

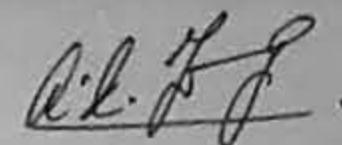
7. OA has been filed beyond prescribed period of limitation (i.e. one year)-under section 21(3) of Administrative Tribunals Act 1985 of limitation. OA is, therefore, not maintainable and liable to be dismissed as time barred.

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8. The applicant has failed to furnish sufficient explanation to warrant condonation of delay. Applicant is guilty of not approaching Tribunal in time. MA rejected. Accordingly, OA also stands dismissed as time barred. No Costs.



Member-A



Member-J

/ns/