

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH AT BANGALORE

ORIGINAL APPLICATION NO.170/01879/2018

DATED THIS THE 10TH DAY OF JANUARY, 2020

**HON'BLE DR K B SURESH....MEMBER (J)
HON'BLE SHRI C V SANKARMEMBER (A)**

Shri.Nagendra H Jituri
S/o Late Hanumantasa,
Aged about 64 Years,
Retired Senior Commercial Clerk,
Divisional Office,
South Western Railway,
Hubballi,
And
Residing at
House No.334, Kotilingeshwara Nagar,
Behind Bus Depot, Gokul Road,
Hubballi-580 024.

...Applicant

(By Advocate Shri.M/s.Subbarao & Co)

Vs.

1. Union of India,
Rep by its General Manager,
South Western Railway,
Gadag Road,
Hubballi-580 023.

2. The Divisional Railway Manager,
South Western Railway,
Hubballi-580 023.

3. The Senior Divisional Personnel Manager,
South Western Railway,
Hubballi-580 023.

...Respondents

(By Shri.J.Bhaskar Reddy, Counsel for Railways)

ORDER (ORAL)

HON'BLE DR K B SURESH, MEMBER (J)

Heard. The matrix of limitation was brought in as a public policy for the simple reason that stale matters should not be allowed to cloud the horizon and atmosphere of the adjudication.

2. This matter seems to be covered in its factual position by our order in OA No.129/2015 which we had disposed of on 23.6.2015 which we quote:

Heard. Apparently, the applicant was promoted as Engine Fitter Grade-II and allowed to continue as Engine Supervisor in the existing pay, but apparently, due to the closure of Steam Loco Sheds, which has taken place at that time, because of dieselization and electrification of Railways, all these people had been rendered surplus and were re-designated. The applicant was re-deployed after due training as Goods Guard and thereafter he had been promoted as Senior Goods Guard and then he was promoted as Passenger Guard and he will be retiring on 30.6.2015. Therefore, by re-deployment and re-designation, which took place at that point of time, the effect of earlier promotion, if at all, had been negated.

2. Even otherwise also, the matter which should have been taken up in 1994, cannot engage the attention of the adjudicator in 2015 i.e., after a period of 21 years. Therefore, there is no merit in the OA.

3. OA is dismissed. No order as to costs.

3. At this point of time learned counsel for the applicant points out to the judgment of the Hon'ble Apex Court in *Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and Others reported in (2014) 2 SCC (L&S) 595*. Apparently in this case Hon'ble Apex Court had considered the issue of sufficient cause. Without any doubt under Section 5 of Limitation Act, if sufficient cause has to be given then it shall be the duty of the adjudicator to look into it. There cannot be any doubt on this. But apparently in this case, no ground at all is seen cited for the delay. After 21 years no court can look into the correctness or not of a matrix which may have been pending at that

point of time. Besides which the Administrative Tribunal's Act is a specific enactment which bars the court from taking into consideration any issue after two years unless sufficient ground is given. Let alone a sufficient ground, no ground at all is given in this matter. Therefore we do not know how we can condone this delay and ask the railways to take up this matter if at all there is merit. But since it concerns the question of livelihood of people, we have considered this matter in its entirety and have found that due to the systemic change in railways and dieselization and subsequent electrification, Steam Loco Pilots were rendered surplus. The way in which the railways could have conducted an enquiry into the circumstances 21 years back and now are entirely different. At this point of time there will not be any justification on our part to direct the railways to consider the applicant once again as it is hopelessly barred by limitation. On merit also there do not seem to be any case as changes occur on circumstances beyond control of each organization. When such changes occur, if any adjustments and accommodations are to be made, it must have a juncture in time otherwise effective justice cannot be canvassed at any point of time. Therefore, on merit also there does not seem to be any need for us to interfere at this point. OA thus fails, dismissed. No order as to costs.

(C V SANKAR)
MEMBER (A)

(DR K B SURESH)
MEMBER (J)

/rsh/

Annexures referred to by the applicant in OA No.170/01879/2018

Annexure A1: Copy of the Appointment Order dated 24.02.1978
Annexure A2: Copy of the Order dated 24.09.1987
Annexure A3: Copy of the Memorandum dated 14.07.1995
Annexure A4: Copy of the Order dated 15.12.1995
Annexure A5: Copy of the order of the Principal (ZTC) dated 15.12.1995
Annexure A6: Copy of the Memorandum dated 18.12.1995
Annexure A7: Copy of the Order dated 14.03.1996
Annexure A8: Copy of the representation dated 04.03.1997
Annexure A9: Copy of the Order dated 28.07.2008 in OA No.285/2008
Annexure A10: Copy of the Order dated 17.02.2010 in compliance with the direction in OA No.285/2008.