

Handwritten marks: A2/1 in a circle and a signature.

Central Administrative Tribunal, Allahabad.

Registration No. O.A.386 of 1986.

Roshan Lal Sahu
and 3 others Applicants
Vs.

Union of India and
others Respondents.

Hon. D.S.Misra, AM
Hon. G.S.Sharma, JM

(By Hon. G.S.Sharma, JM)

In this application under section 19 of the Administrative Tribunals Act XIII of 1985 (hereinafter referred to as the Act XIII of 1985) the applicants want to get the order dated 28.7.1982 issued to them on 5.8.1982 reverting them from the post of Ticket Collectors to class IV employees quashed and for a direction to pay them the salary of the post of Ticket Collectors as well as for a further direction to the respondents not to interfere with the services of the applicants as Ticket Collectors. Before filing this application, the applicants had also knocked the doors of the Allahabad High Court by filing a Civil Misc. Writ Petition under Art.226 of the Constitution of India and ~~and~~ application for contempt of Court but they could not get any relief from there as their writ petition was belated and they had not availed of the alternative remedy. A notice was issued to the respondents to show cause against this application and it is orally opposed on behalf of the respondents.

H2
2

5

.2.

2. This application was filed on 7.8.1986 and in our opinion, it is barred by law of limitation prescribed by Section 21 of Act XIII of 1985. Taking to the advantage of the applicants that they knew about the impugned order of reversion on 5.8.1982, their grievance for cause of action had arisen more than 3 years before the date immediately preceeding the date on which the jurisdiction of the Central Administrative Tribunal became exercisable under Act XIII of 1985. According to sub-section (2) of Section 21 of the said Act, an application under section 19 could be moved within 6 months from the date the Central Administrative Tribunal was vested with the jurisdiction to try the cases under this Act, in case, the cause of action had arisen within 3 years preceeding said date (1.11.1985). In this case, as the cause of action arose before 1.11.1982, the present application could be filed even within 6 months under section 21(2). ^{not} ^{Under the previous} For the application of sub-section (1) of Section 21, ^{and} the application could be filed within a year against a final order passed within a year before the enforcement of Act XIII of 1985. In this way, even under sub-section (1), the application of the applicants cannot be treated in time. Sub-section (3) of Section 21 which authorises the Tribunal to condone delay, lays down that the delay can be condoned in case the application is filed more than 1 year or 6 months ^{before} prescribed under sub-section (1) and (2) of Section 21 and not in a case when the

H2
3

6

.3.

application was not within limitation on the date the Tribunal was vested with the jurisdiction to try cases under this Act. We are, therefore, of the view that the application filed by the applicants is beyond the time prescribed by Section 21 and we are unable to entertain it despite the fact that the applicants were formerly litigating unsuccessfully in the High Court and accordingly dismiss the application summarily.

[Signature]
Member (A)

[Signature]
7/11/86
Member (J)

Dated 7 .11.1986
kkb