

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Review Application No. 34 of 1987

In  
Original Application No. 677 of 1987

Mukesh Kumar ....

Applicant

Vs.

Union of India & Others....

Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. A.B. Gorthi, Member(A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

This is a Review Application against the judgment of Tribunal dated 10.8.87 dismissing the application filed by the applicant on the ground that it is barred by time. The applicant filed an application under Section 19 of the Administrative Tribunals Act, 1985 for quashing the results declared by the Railway Service Commission, Allahabad on 25.9.83 and 21.2.84 with a direction to the respondents to declare the original selection list showing the applicant successful therein. It is further stated by the applicant that he made two representations one in December, 1983 and the other on 28.12.86 but could not get any redress, and that is why he filed an application which is within time. The application was filed on 31.7.1987. The Tribunal was of the view that the limitation expired on 30.4.86 in as much as he should have been filed the application within 6 months and the application filed thereafter could not revive a right which had already become barred by time.

2. The application for condonation of delay it appears that was also not pressed. The applicant took the plea that he was given a reply by respondent no. 3 that due to certain court cases, the Department cannot do anything till the cases are finalised. It is evident from the application filed by the applicant that the Tribunal was not come into existence and this application was not filed

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within 6 months, and the Administrative Tribunal came into force much thereafter. The applicant was seeking the appointment and challenged the selection list. All the allegations made in the application were considered by the Tribunal when the Tribunal rejected the application on the ground that it is barred by time. The Tribunal had a jurisdiction to condone the delay or not to condone the delay and in the circumstances of the case the Tribunal took the view that it is not a fit case for condonation of delay. All the allegations made by the applicant were considered by the Tribunal and there is no new ground for assailing the Tribunal's Judgment. As such there is no merit in the case and it is accordingly dismissed.

*Member (A)*

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Vice-Chairman.

24th January, 1992. Alld.

(sph)