

(2)

Central Administrative Tribunal, Allahabad.

Registration O.A.No.677 of 1987

Mukesh Kumar Applicant

Vs.

Railway Board ,New Delhi ... Respondent

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

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

This petition under section 19 of the Administrative Tribunals Act XIII of 1985 has been filed by the applicant for quashing certain results declared by the Railway Service Commission ,Allahabad on 25.9.1983 and 21.2.1984 with a direction to the respondent, to declare the original selection list showing the applicant successful therein. In para 9 it has been mentioned that the applicant made two representations-one in Dec.1983 and the other on 28.12.1986 but could not get any redress. The contention of the learned counsel for the applicant made before us is that from the dates of these representations, this petition is within time.

2. It appears from the petition that the competitive examination in which the applicant had appeared was held in Feb.1981 while the present petition was filed on 31.7.1987. The applicant challenges the publication of the result made in two parts on 25.9.1983 and 21.12.1984. The first representation was made by the applicant in Dec.1983 and as such, according to the provisions of Section 21 of the Administrative Tribunals Act, the applicant could prefer this petition within 6 months from the date this Tribunal was established. The limitation thus expired on 30.4.1986. The representation

made on 28. 12.1986 could not revive a right which had already become time barred under the law.

3. In para 5 of the petition the applicant has made certain allegations for condoning the delay. They were not pressed before us at the time of hearing but as they attracted our attention when we perused the petition for preparing this order, we will like to consider the same in the interest of justice.

4. It is al-leged that on 20.7.1987 the applicant was given a reply by respondent no.3 that due to certain court cases, the Department cannot do anything till the cases are finalised. Thereafter the applicant made necessary arrangement for the expenses to move this petition and the delay in moving the petition was beyond his control and it is bona-fide. We have carefully considered all the allegations made in paragraphs (a) to (d) of paragraph 5 of the petition and none of them makes out any good ground for condoning the delay of more than 1 year.

5. The petition is accordingly dismissed as time barred.

MEMBER (A)

MEMBER(J)

Dated 10th Aug.1987
kkb.