

A2
2

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD

Original Application No. 1184 of 1993

Allahabad this the 18th day of October 1995

Hon'ble Mr. T.L. Verma, Member (J)
Hon'ble Mr. S. Dayal, Member (A)

Sri Banarasi Das, S/o Sri Milkhai Ram, R/o Village Raji,
Tehsil Pathankot, Post Office Marada, Distt. Gurdaspur,
Punjab.

APPLICANT.

By Advocate Shri K.M.L. Hazela.

Versus

1. Union of India through Ministry of Railway
Government of India, New Delhi.
2. Divisional Railway Manager, N.E. Rly., Izzatnagar,
Bareilly.

RESPONDENTS.

By Advocate -----

O R D E R

By Hon'ble Mr. S. Dayal, Member (A)

This is an application under Section 19
of the Administrative Tribunals Act, 1985.

2, The applicant seeks the following
reliefs through this application :

- (i) Quashing of orders dated 19.9.90 and 3.6.88.

.....pg.2/-

A2
3.

:: 2 ::

- (ii) Declaration that the applicant should be deemed to have been promoted to the grade of Mistri Grade I in the payscale of Rs.1400-2300/- w.e.f. 1984.
- (iii) Direction to the respondents to pay to the applicant the arrears of salary and all other allowances to which he would have been entitled if he had been promoted in 1984 according to law.
- (iv) Award cost of the application.

3. The learned counsel for the applicant presented his arguments on admission of this application. It is admitted in the application and also made clear in the relief claimed that the cause of action arose on 28.6.84. The application which is under consideration before us was filed on 10.8.93. The reasons given for condonation of delay are that the Judgment of Tribunal in an identical case no. 924 of 1987 was passed on 05.5.1992 and the applicant came to know of this order on an unspecified day in the month of February, 1993. The second reason given is that the applicant's daughter remained critically ill from Sept.1990 to June, 1992.

4. None of the two reasons given for condonation of delay is acceptable. A judgment in a case in which the applicant was not a party, will not give a fresh cause of action to the applicant. Besides the case of the applicant

A2
4.

:: 3 ::

and parties in the other case cited are not identical because in the case 924 of 1987, the applicants had been given the scale of Rs.1400-2300/- and were deprived of the scale without following procedural formalities, while the applicant in the case before us was never given Rs.1400-2300/- scale. In his representations contained in Annexures 4 and 6 to the O.A., the applicant had only raised the issue of not having been allowed to appear in the eligibility tests for Mistry Grade I and Highly Skilled Grade I- in the year 1984. Letters dated 03.6.1988 at Annexure-3 and 19.9.90 at Annexure-8 is regarding eligibility test for Skilled Grade I to be held on 16.6.1988 and does not give a recurring cause of action to the applicant.

5. The application is dismissed as highly time barred. There shall be no order as to costs.

Member (A) Member (J)

/M.M./

Filed
2
Composed
23/11/90