

CENTRAL ADMINISTRATIVE TRIBUNALALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 30 th day of JUNE, 2000.

CORAM : Hon'ble Mr. Rafiq Uddin, Member (J)

Hon'ble Mr. S. Biswas, Member (A)

ORIGINAL APPLICATION NO. 582 of 1994

1. Anand Kumar Gupta, son of Sri Prakash Nath Gupta, resident of A-160, Avas Vikas Colony, Shahpur Post Office-Geeta Garden, Gorakhpur. (All applicants are working as Senior Data entry operator in Electronic Data Processing Centre N.E. Rly., Gorakhpur)
2. Jagdish Kumar Sharma, sone of Sri Sulab Sharma, resident of 613-B Vichhiya Railway Colony, Gorakhpur. (
3. Krishna Gopal Singh, son of Sri Vishwanath Singh Resident of 2/7 Labour Colony, Mohaddipur, Gorakhpur. (

...Applicants

C/A Shri B. Tewari

Shri Anil Kumar

Versus

1. Union of India, through General Manager, North Eastern Railway, Gorakhpur.
2. Financial Advisor and Chief Accounts Officer, North Eastern Railway, Gorakhpur.
3. The Electronic Data Processing Manager, North Eastern Railway Gorakhpur.
4. G.M. Ansari, Senior Data Entry Operator, Electronic Data Processing Centre, North Eastern Railway, Gorakhpur. ( All are working Senior Data Entry Operator.
5. Akhtar Javet (
6. Abdul Hannan. (

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7. Arjun Thakur ( All are working as Data entry ocp  
8. Junet Khan, ( operator in Electronic Data  
9. Vipin Kumar Mishra. ( Processing Centre N.E. Rly. Gorakhpur

... Respondents

C/R Shri V.K. Goel

Shri Govind Saran

O R D E R

(By Hon'ble Mr. Rafiq Uddin, Member (J)

By means of this O.A. the applicants have sought quashing of the orders dated 27.07.1987, 10.09.1987 and 16.06.1992. By the said order dated 27.07.1987 the name of the respondent No. 4 has been included in the panel for appointment as D.E. Operator. By the said order dated 10.09.1987 the names of respondent No. 6, 7, 8 and 9 have been included in the panel for appointment on the said post of D.E. Operator and by the order dated 16.06.1992 the representation of the applicant No. 1 dated 20/22.05.1992 was disposed of by the respondent No. 2.

2. The respondent No. 4 in his counter affidavit has taken the plea that the present O.A. is highly time-barred because the same has been moved after passing of about 7 years from the date of impugned orders against which no representation was filed by the applicants till 22.05.1992. Besides, the respondent No. 4 other respondents have already filed O.A. No. 228/90 for correction of seniority list dated 02.02.1989 in which the present applicants have also been impleaded as respondents. They had also filed their counter affidavit on 17.08.1992. No representation has been filed by the respondents by that date, therefore, the application is highly time-barred.

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3. The present application has been moved on 02.04.1994 without any application for condonation of delay in filing of present application. The application is obviously time-barred and even no application for condonation of delay has been filed by the applicants. Therefore, there is no justification to decide the present application on merit. It has been held by the Apex Court in Ramesh Chandra Sharma Vs. Union fo India, (1999) 8 SCC page 304 that the application if beyond limitation could not be considered on merits. It is open to the applicant to make proper application under Section 21 (3) of the Administrative Tribunal Act, 1985 for condonation of delay. If no such application has been moved the applicant cannot be permitted to take up such contention in the absence of application for condonation of delay and the O.A. filed before the Tribunal after the expiry of limitation period could not have been admitted and dispose of on merit in view of the statutory provision contained Section 21 (3) of the Administrative Tribunal Act, 1985. In the present case we find that no application for condonation of delay has been filed whereas the applicants have sought quashing of the appointment orders of the respondents which were issued in the year 1987. The O.A. is, therefore, dismissed being time-barred.

SR  
A.M.

Daruluddin  
J.M.

/S.P./