

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH ALLAHABAD.

Original Application No.732 of 2000.

Allahabad this the 28th day of June 2004.

Hon'ble Mr. Justice S.R. Singh, V.C.  
Hon'ble Mr. D.R. Tiwari, A.M.

Munna Lal aged about 55 years  
S/o Shri Mathura Prasad, R/o 548, Nainagarh,  
Talaiya, Jhansi.

.....Applicant

(By Advocate : Sri R Verma)

Versus.

1. Union of India through the General Manager, Central Railway, Chhatrapati Shivaji Terminus, Mumbai.
2. The Divisional Railway Manager (P), Central Railway, Jhansi.
3. The Carriage & Wagon Superintendent Central Railway, Jhansi.
4. Shri Ram Avtar, presently posted at Loco Shed, Beena under the Control of the Carriage & Wagon Superintendent, Jhansi as Crane Driver Grade I.

.....Respondents.

(By Advocate : Sri Amit Sthalekar)

O R D E R

(By Hon'ble Mr. Justice S.R. Singh, V.C.)

Heard Sri R Verma learned counsel for the applicant, Sri A Sthalekar learned counsel for the respondents and perused the pleadings.

2. The applicant was initially appointed as Ledderman with effect from 11.08.1978. Subsequently he was promoted as Running Fireman. However, in 1985 he was declared unfit for the post of Running Fireman and absorbed as Crane Fireman w.e.f 28.04.1986. The instant O.A. has been instituted for the following relief(s);

"(i) To issue a writ, order or direction in the nature

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of mandamus directing the respondent No.2 to place the petitioner at par with the respondent No.4 as Crane Driver Grade III in the pay scale of Rs.900-1500 (old) (Revised Rs.3050-4590), who is admittedly junior than the petitioner in the immediate next lower grade of Crane Fireman by fixing pay of the petitioner with effect from 26.06.1987 treating to have been promoted with effect from the said date on the post of Crane Driver Grade III alongwith the respondent No.4 and thereafter to place the petitioner at par over and above than the respondent No.4 in the seniority of Crane Driver Grade III.

- ii) To issue a writ, order or direction in the nature of mandamus directing the respondent No.2 to promote the petitioner to the post of Crane Driver Grade II as a result of grant of relief No.1 in the pay scale of Rs.1200-1800 (old) (Revised Rs.4000-6000) with effect from 5.5.1992 when the respondent No.4 has been promoted vide letter No.P/PF/RAD/Loco Shed dated 10.01.1996 passed by the respondent No.2 and also to the post of Crane Driver Grade I in the pay scale of Rs.1320-2040 (Old) (Revised Rs.4500-7000) with effect from promoted some times in the year 1999.
- iii) To issue any other suitable writ, order or direction in the facts and circumstances of the case which this Tribunal may deem fit and proper.
- iv) to award cost of the petition".

3. It is obvious that the cause of action for the first relief accrued in 1987 when juniors to the applicant were promoted and present O.A. was instituted on 229.06.2000. Sri R Verma learned counsel for the applicant, however, submits that the seniority was in dispute which came to be settled in 1994 and applicant thereafter preferred a representation in the year 1997. Be that as it may, the O.A. is still barred by time and there is no application for condonation of delay. Section 21 of Administrative Tribunals Act, 1985 under which the Tribunal is forbidden to entertain an application filed beyond the prescribed period except where the applicant satisfactorily explains the delay as provided in Sub-section (3) of Section 21. As pointed out hereinabove, the applicant has not explained the delay. There is no prayer for condonation of delay. Accordingly, the O.A. fails and is dismissed as barred by time.

*D. Verma*  
Member-A.

*T. G. J.*  
Vice-Chairman