

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 1306 OF 2002
ALLAHABAD THIS THE 2nd DAY OF September, 2003

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A
HON'BLE MR. A. K. BHATNAGAR, MEMBER-J

Sri Krishna Prasad Yadav,
S/o Late Chhadhari Prasad,
Ex-Senior Head Trains Clerk Under Station
Manager East Central Railway,
Mughal Sarai,Applicant

(By Advocate Shri Sajnu Ram)

Versus

1. Union of India,
through General Manager,
East Central Railway,
Hazipur, Bihar.
2. Divisional Railway Manager,
East Central Railway,
Mughal Sarai.
3. Senior Divisional Personnel Officer,
East Central Railway,
Mughal Sarai.
4. Bhanu Ram Ex- Senior Head Trains Clerk,
Under Station Manager,
East Central Railway,
Mughal Sarai, resident of village Saraney,
Post-Niyantabad,
District-Chandouli.Respondents

(By Advocate Shri K.P. Singh)



O R D E R

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

In this O.A. filed under section 19 of Administrative Tribunals Act 1985, the applicant has prayed for direction to the respondents to regularise the Ad-hoc promotion of the applicant in the category of Trains Clerk from 26.10.1973 in continuation of his regular promotion on 22.11.1978 for the purpose of seniority and other consequential benefits thereof alike junior persons and also to quash the order dated 18.07.2002 and declare the applicant senior to respondent no.4.

2. Heard counsel for the parties, considered their submissions and perused the record.

3. On perusal of records we find that the applicant Mr. Krishna Prasad Yadav has not approached this Tribunal with clean hands which is very much evident from his own pleadings existing on the record. The impugned order dated 18.07.2002 (Annexure A-1) rejecting his representation dated 19.03.2002 clearly mentions in the first paragraph that his earlier representation was rejected by letter dated 10.05.1996. In any event of the matter the limitation has to be reckoned from this date. The applicant has been completely silent over this aspect of the matter. Section 3 of the limitation act always enjoins a duty on the authority concerned to exercise the jurisdiction only in case when a matter has been initiated within the limitation otherwise the law is very clear on the point that this Tribunal is left with no option but to reject the same. The applicant in a view to mislead the court has given some references of his subsequent representations filed in the year 2001 and 2002. It is noteworthy that filing of the representations one after the other is not acceptable in

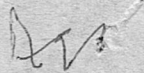


law for extending the period of limitation.

4. The applicant has again tried to take an undue advantage of a decision of this Tribunal which he has annexed as Annexure A-4 giving benefits to some other employees which he alleges to be similarly situated. It has nowhere come on the record that those persons had ever filed any representation which was beyond limitation and once rejected it is noteworthy that once the representation of the applicant Shri Krishna Prasad Yadav has been rejected in the year 1996 then his filing the present petition in the year 2002 is clearly barred by time and in absence of any delay condonation application, the Tribunal is left with no option but to dismiss the O.A. on the ground of limitation. In the case of Pannalal Binjraj and Ors. Vs. U.O.I. & Ors. (S) A.I.R. 1957 S.C. 397 it has been clearly held that the persons not coming forward for taking benefits within a reasonable time, cannot get the same benefit only on the basis of judgments in which the matter was contested much earlier and given benefit.

5. The O.A. is accordingly dismissed as grossly barred by period of limitation, under ^{in Section} ~~para~~ 21 of the Administrative Tribunals Act 1985.

6. There shall be no order as to costs.


Member-J


Member-A

/Neelam/