

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHBAD BENCH : ALLAHABAD**

Original Application No.478 of 2003

Allahabad, this the 30th day of June, 2009.

Hon'ble Mr. Ashok S. Karamadi, Member-J
Hon'ble Mr. S.N. Shukla, Member-A

Prabhu Nath, aged about 62 years, S/o Late Jattan Ram, R/o N9/36, F-5, Kedar Nagar Colony, Newada, P.O. Sunderpur, Varanasi-221005.

..Applicant.

By Advocate : Shri R.P. Srivastava

Versus

1. The Union of India, through the General Manager, Diesel Locomotive Works, P.O.D.L.W., Varanasi-221004.
2. The General Manager, Diesel Locomotive Works, P.O. D.L.W., Varanasi (U.P.) 221004.
3. The Chief Personnel Officer, Diesel Locomotive Works, P.O. D.L.W., Varanasi-221004.

...Respondents

By Advocate : Shri Anil Kumar

O R D E R

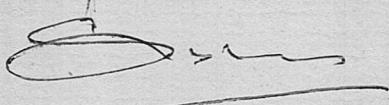
By Hon'ble Mr. Ashok S. Karamadi, Member-J :

This application is filed by the applicant for quashing the order No.95 dated 25.1.1996, and No.964 dated 9.11.2000 and for consequential benefit.

2. On notice, the respondents have filed the counter affidavit and contended that this application is barred by limitation as the cause of action arose to the applicant on 25.1.1996 from the date of reversion but the present application is filed in the year 2003, therefore, prayed for dismissal of the OA.



3. On perusal of the pleadings of the applicant and material produced by the applicant and in view of the rejoinder filed by the applicant it is clear that the applicant has not given any explanation with regard to the delay as contended by the respondents regarding the maintainability of the OA. As the applicant has not come forward to explain the delay in approaching this Tribunal, the respondents in the counter affidavit at para 3(vii) and para 16, specifically contended that the present OA is not maintainable on the ground of limitation, as the cause of action arose to the applicant on 25.1.1996, the O.A. has been filed in the year 2003, inspite of this even though the applicant has filed the Rejoinder for the same has not at all denied the same, nor explained the reasons for delay in filing the present OA. That being so we do not find any justification in accepting the OA, this OA is not maintainable on the ground of delay. Accordingly the OA is dismissed. No Costs.



Member-A



Member-A

RKM/