

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD

M.A. No.3073 of 2006
Under Section 21(3), AT Act 1985
Alongwith
MA No.3074 of 2006
Under Rule 4(5), CAT Procedure Rules, 1987

IN

Original Application No. 1231 of 2006
Allahabad This The 27th Day of April 2009

HON'BLE MR. JUSTICE A. K. YOG, MEMBER-J

1. Hari Nandan, aged about 48 years,
Son of Shri Ghar Bharan,
Resident of Village Pandit Haraiya,
P.O. Dumwalia, District-Deoria.
2. Ram Pati Yadav, aged about 44 years,
Son of Shri Thuman,
Resident of Village Deoghat, P.O. Bhatani,
District-Deoria.
3. Ram Nath, aged about 48 years,
Son of Late Laxman,
Resident of Village Karjahan, P.O. Lar Road,
District-Deoria.
4. Vinod Kumar, aged about 45 years,
Son of Raj Nath, resident of Village-Karjahan,
P.O. Lar Road, District-Deoria.
5. Upendra, aged about 46 years,
Son of Shri Jagar Nath,
Resident of Village Eksar Chaukiyan,
P.O. Piprauli Bada Gaon,
District-Deoria.
6. Gulab, aged about 44 years,
son of Shri Sheoraj,
resident of Village Deoghat,
P.O. Bhatani, District-Deoria.

..... Applicant

By Advocate : Sri V.K. Srivastava

Sri V.N. yadav



Versus

1. Union of India through Ministry of Railway,
New Delhi.
2. Divisional Railway Manager (Personnel),
North Eastern Railway,
Varanasi Division, Varanasi.
3. The General Manager,
North Eastern Railway,
Gorakhpur.

..... Respondents

By Advocate : Sri P. N. Rai

ORDER

1. Heard counsel for the applicant on above-noted MA No.3073/06-(filed with the OA) to condone delay in filing OA and Shri P.N. Rai, Standing Counsel (Railways). Perused the pleadings and the documents on record.

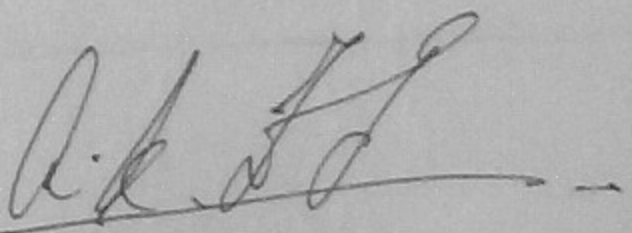
2. Present OA was presented in the Registry along with Two Misc. Applications.

(i) The six applicants have filed MA No.3074 of 2006 under Rule 4(5) of CAT (Procedure) Rules 1987 praying for permission to join in single OA. MA No.3074/06-under Rule 4(5) Rule 1987 is allowed as it is not opposed.

(ii) MA No.3073 of 2006-(To condone delay in filing OA), it is clear that several other similarly situated persons (like the applicants) had filed several OA as disclosed in para 8 of the affidavit of Hari Nandan (filed in support of said MA). Vide para 10 of the said affidavit the authorities informed the applicants

vide letter dated 21.10.2003 that their case shall be considered. The Applicants are silent as to why they sat idle for approx three years. Vide para 11 of the said affidavit it is stated that the applicants filed representations dated 12.06.2006 and 7.8.2006. There is no explanation for about three years w.e.f. 21.03.2003 to 12.06.2006. Inordinate Delay has not been explained and applicants fail to satisfy that they were prevented by 'sufficient cause', on the other hand they have not acted 'bonafide' and 'diligently'. Application praying for condoning delay in filing OA is without substance. OA is clearly time barred. MA No.3073/06-Under Section 21(3) of Act 1985 stands rejected. It is however, made clear that as a consequence of this order, the applicant will not be precluded from being considered for regularization (in future) if they are entitled/eligible under regularization scheme.

3. OA is clearly time barred and not maintainable. It is, consequently also dismissed. No Costs.


Member-J

/ns/