

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 5th DAY OF November 2009)

Hon'ble Mr. A.K. Gaur, Member (J)
Hon'ble Mr. D.C. Lakha Member (A)

Original Application No.389 of 2007
(U/S 19, Administrative Tribunal Act, 1985)

Prakash Chandra Pandey Son of Sri B.D. Pandey, resident of 261-A, Beli Colony, Allahabad. *Applicant*

Versus

1. Union of India through the General Manager, North Central Railway, Allahabad.
2. The Divisional Railway Manager, North Central Railway, Allahabad Division, Allahabad.
3. The Assistant Personnel Officer, North Central Railway, Allahabad Division, Allahabad.
4. The Chief Medical Director, North Central Railway, Head Quarter Office, Allahabad.
5. The Chief Medical Director, North Central Railway, Allahabad Division, Allahabad.
6. Dr. S.N.P. Agrawal, Divisional Medical Officer, North Central Railway, Allahabad. *Respondents*

Present for Applicant : Shri S. Dwivedi

Present for Respondents : Shri Anil Kumar

ORDER

(Delivered by Hon'ble Mr. A.K. Gaur, J.M.)

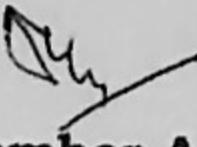
We have heard Sri S. Dwivedi, learned counsel for the applicant and Sri Anil Kumar, learned counsel for the respondents.

2. Learned counsel for the respondents raised the preliminary objection that the Original Application is time barred and no reasonable or plausible

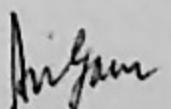
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explanation has been offered by the applicant. In order to buttress the contention, learned counsel for the respondents has placed reliance on the decision rendered by Hon'ble Supreme Court reported in *2008 (7) Supreme 331 C. Jacob Vs. Director of Geology & Mining*. In the said decision Hon'ble Supreme Court has clearly held that "*Every representation to the Government for relief, may not be replied on merits. Representations relating to matters which have become stale or barred by limitation, can be rejected on that ground alone*".

3. Having heard parties counsel and in view of the decision rendered by the Hon'ble Supreme Court in the case of *R.C. Sharma Vs. Udhamp Singh Kamal - 2000 SCC (L&S) page 53*, wherein it has clearly been held that the delay in filing O.A must be explained reasonably and plausibly. The claim of the applicant in the instant O.A is inordinately time barred and liable to be dismissed on the ground of delay and laches. It is settled principle of law that when the matter is dismissed on the ground of delay and laches, the Court is not required to look into the merits of the case.
4. With the aforesaid observations the O.A. is dismissed on the ground of delay and laches with no order as to costs.



Member-A



Member-J

//Sushil//