

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH
XXXXXX XXXX XXXXNo. M.A./184/91
in
O.A./200/91

DATE OF DECISION 18.6.1991

General Workmen's Union

Petitioner

Mrs. K.V. Sampat

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Mr. N.S. Shevde

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh

: Administrative Member

The Hon'ble Mr. R.C. Bhatt

: Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

General Workmen's Union for
and on behalf of the Workmen
Jaswantkumar M.Makwana.
(Advocate: Mrs.K.V.Sampat)

: Applicant

Versus

1. Union of India
Represented by the
General Manager,
Western Railway having his
Office at Churchgate Stn.Fort.
Bombay-400001.
2. Divisional Railway Manager,
Western Railway,
Pratapnagar,
P.O. Vadodara.
3. Senior Divisional Electrical
Engineer, Western Railway,
Pratapnagar, Vadodara.

(Advocate: Mr. N.S.Shevde)

: Respondents

O R A L O R D E R

M.A./184/91

in

O.A./200/91.

Date: 18.6.1991

Per: Hon'ble Mr. M.M.Singh

: Administrative Member

1. Heard Mrs.K.V.Sampat and Mr.N.S.Shevde, learned counsel for the applicant and the respondents on the Misc.Application.
2. The subject of this application is condonation of delay. Contrary to the subject of the application, the application starts with the sentence that the original application has been filed during the period of limitation prescribed by Section 21 (2) (a) of the Administrative Tribunals Act, 1985. After h By saying so, it is averred that the respondent has published a panel for regular absorption in railway service dated 4.4.1988 omitting the names of the applicants which may applicant No.1 & 2. The original application in its para 3.1 mentions that written representations were made on 9.1.1991 and Seeing h 12.1.1991. Saying these two dates, it is obvious that the

applicants submitted representations after about three years of the cause of action. When representations themselves are made as late as three years after ~~the~~ arising ^{of} ~~the~~ cause of action such delay in making representation will not enhance the limitation for purposes of satisfying the provisions of ^{Section 21} of the Administrative Tribunals Act, 1985. The original application was submitted by the applicant, on 8.4.1991. ^{The} same is thus submitted after three years of ~~arising~~ of the cause of action on 4.4.1988.

3. The application for condonation of delay relies upon Court Precedent where delay is suggested to be condoned. Condonation can be considered when a proper application explaining the delay and admitting the delay has been made. We find that the application not satisfied the criteria for consideration of the application. The precedent cited therefore has no relevance before us.

4. The application for condonation of delay is, therefore, rejected. In view of that the Original Application is also rejected.

R.C.Bhatt
(R.C.Bhatt)
Judicial Member

M.M.Singh
(M.M.Singh)
Administrative Member

a.a.b.