

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

* * *

56 (5) Date of Decision: 18.9.96

OA 250/96

Madan Singh s/o Shri Keshri Singh, r/o Rajputo ka mahalla, near W.R. Gate, Marwar Junction (Raj.).

... Applicant

Versus

1. The Union of India through the General Manager (P), Western Railway, Head Quarters Office, Churchgate, Bombay.
2. The Divisional Railway Manager (5tha), Western Railway, Ajmer.
3. The Station Superintendent, Western Railway, Marwar Junction (Raj.)

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. S.C. VAISH, ADMINISTRATIVE MEMBER

For the Applicant

... Mr. K.L. Khatri

For the Respondents

...

O R D E R

PER HON'BLE MR. S.C. VAISH, ADMINISTRATIVE MEMBER



We have heard Shri K.L. Khatri, counsel for the applicant, at length on admission of this application, specially with regard to limitation.

2. Applicant, Madan Singh, is an employee of respondent Western Railway and was a casual labour. He alongwith another, Mahendra Singh, was charged for theft and placed under suspension from 1986 to 1990, when both were reinstated. The grievance of the applicant is that Mahendra Singh was given all benefits but the applicant was treated as on leave during suspension period. The learned counsel has now sought the relief that the order, at Ann.A-1, dated 28.7.95 be quashed and his seniority be refixed, he be promoted to the next grade of Rs.950-1500, he be paid salary for the suspension period and any other benefit deemed fit.

3. The cause of action arose to the applicant in 1990 and this application has been filed on 22.7.96, after a lapse of six years. The learned counsel for the applicant urged that he is impugning an order dated 28.7.95 and hence he is within limitation. We are unable to accept this argument of the learned counsel. Under Section 21 of the Administrative Tribunals Act, 1985, the applicant should have moved the respondents in 1990, when the cause of action arose to the applicant.

mmr
18-9-96

After waiting for a period of six months he should then moved to this Tribunal within one year after the expiry of six months. He has waited six years to do so. We are unable to accept that as the respondents chose to reply on 28.7.95 (Ann.A-1), the cause of action to the applicant was revived and the period of limitation stands condoned. The second argument of the applicant that Mahendra Singh, who was similarly placed, has been differently treated, also cannot be accepted. It was for the applicant to move in time and to take the plea of discrimination instead of waiting for six years.

4. In the circumstances discussed above, the application is dismissed in limine as barred by limitation.

mm 18.9.96
(S.C. VAISH)

ADMINISTRATIVE MEMBER

C.Krishna
(GOPAL KRISHNA)
VICE CHAIRMAN

VK