

Date of order : 18/11.1997.

M.A.No. 155/1996
in
O.A.No.266/1996.

Kishori Lal Sharma S/o Shri Kali Charan Sharma, retired Driver Grade 'C', Western Railway, Ajmer, C/o 43-A Bank Colony, Jodhpur. ... Applicant.

Versus

1. Union of India through the General Manager, Western Railway, Church Gate, Bombay.
2. The Divisional Railway Manager (E), Western Railway, Ajmer. ... Respondents.

CRAM :

HONOURABLE MR. A. K. MISRA, JUDICIAL MEMBER

For the Applicant	...	None present
For the Respondents	...	Mr. S.S.Vyas

BY THE COURT :

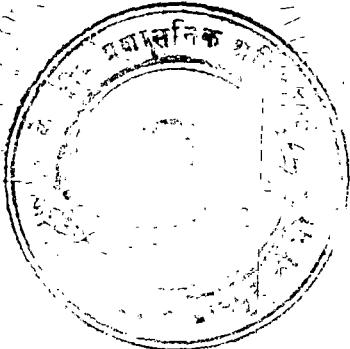
The applicant has moved this Misc. Application with the prayer that delay, if any, in filing the O.A. may kindly be condoned and the Misc. Application be allowed.

2. The respondents have filed their reply to this application and have alleged that the cause of action to the applicant had arisen on 5.9.1985. The applicant has not stated any reason for this inordinate delay in filing the O.A. Therefore, the O.A. is hopelessly time barred and Misc. Application deserves to be dismissed.

3. On the date of hearing, nobody appeared for the applicant. The learned counsel for respondents appeared. He was heard in detail. I observe as follows :

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JM



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4. From the record, it appears that the Special Appeal preferred by the applicant before the Division Bench of Hon'ble High Court of Rajasthan was allowed on 5th September, 1985. Thereafter, the applicant had taken no steps to get the judgment implemented through the process of Court. He simply made a representation in the year 1986, as is mentioned in the reply by the respondents. Thereafter, within a reasonable time, the applicant should have moved to the High Court for implementation of the judgment but this was not done by the applicant. The applicant has not stated any reason as to why he did not take steps to implement the judgment of the Hon'ble High Court from 1986 to 1996. The applicant had retired in the year 1983 i.e. during the pendency of his appeal. When the appeal of the applicant was decided by the High Court, the applicant should have vigorously pursued the matter for implementation of judgment and consequent fixation of his pay and pension. But after moving a representation in the year 1986, he, for the first time, has moved this O.A. in 1996. This is a clear case of laches. The M.A. in such circumstances is hopelessly time barred. In absence of any reasonable explanation for such a long delay for seeking the relief, the delay in filing the O.A. can not be condoned. The M.A. deserves to be rejected.

5. The M.A. is hereby rejected.


(A.K. MISRA)
Member (Judicial)

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