

DP

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH
JODHPUR

...

Date of Order : 28.1.2002

O.A.NO. 261/2001

Mahavir S/o Shri Teja Ram, aged about 41 years, Gangman, Northern Railway,
Parasneu, Resident of Parasneu, Tehsil Ratangarh, District Churu.

.....Applicant.

VERSUS

1. Union of India through General Manager, Northern Railway, H.Q.
Office, Baroda House, New Delhi.
2. Sr. Divisional Engineer, Northern Railway, Bikaner Division,
Bikaner.
3. Divisional Personnel Officer, Northern Railway, Bikaner Division,
Bikaner.
4. Assistant Engineer II, Northern Railway, Bikaner Division, Bikaner.

Junior Engineer, Permanent Way, Northern Railway, Bikaner Division,
Jetsar, Distt. Sriganganagar.

Junior Engineer Permanent Way, Northern Railway, Bikaner Division,
Sudsar, Distt. Bikaner.



.....Respondents.

.....

CORAM :

Hon'ble Mr. Justice O.P.Garg,
Vice Chairman

Hon'ble Mr. A.P. Nagrath,
Administrative Member

.....

Advocate :

Mr. Y.K.Sharma is present for the applicant.

.....

PER MR. JUSTICE O.P. GARG, VICE CHAIRMAN :

By means of this application under section 19 of the Administrative Tribunals Act, 1985, the applicant who is a Gangman in Northern Railway, Paresneu Station, has claimed for a direction to the respondents to regularise the period from the date of removal from service to the date of reinstatement as period spent on duty for the purpose of continuity in service and for purposes of seniority, promotion, increment etc. It is also prayed that the respondents be further directed to pay back wages and allowances for the period from the date of removal from service to the date of reinstatement with interest at the rate of 12% per annum.

2. The applicant, who was appointed as Casual Labour (Gangman), in the year 1976, acquired temporary status. His services were, however, terminated by the impugned order dated 21.7.1981. To challenge the order of termination, the applicant filed a Civil Suit which was subsequently transferred to this Tribunal under Section 29 of the Administrative Tribunals Act, 1985 which was registered as T.A. No. 1616/1986 and was decided vide order dated 24.4.1992. This Tribunal passed the following order :-



"We, accordingly, allow the application and quash the order dated 21.7.81 regarding termination of services of the applicant. The applicant shall, therefore, be taken back in duty within one month on the receipt of copy of this order. The respondents will, however, be at liberty to take appropriate action against the applicant by following the procedure prescribed under the law. No order as to costs."

The applicant was reinstated and is working as a Gangman. Now, he is claiming the relief that the period from the date of removal up to the date of his reinstatement pursuant to the order passed by this Tribunal, be treated as spent on duty.

[Handwritten signature]

3. The cause of action to the applicant obviously arose on his re-instatement within a period of one month from the date this Tribunal passed the order in T.A. No. 1616/1986. It appears that the applicant kept ^{quiet} quite for a long period of about 9 years and suddenly took to his mind to make a representation to the authorities concerned, a copy of which is Annex.A/1. Prior to Annex.A/1, the applicant had not taken any steps to vindicate his grievance, if any. A specific question was put to Shri Y.K.Sharma, as to how the present application is well within time. Shri Sharma, pointed out that since the representation of the applicant has not been decided by the authorities concerned, the present O.A. is well within limitation and cannot be treated to be as barred by limitation. We are not impressed by the submission made by Shri Sharma. Mere putting up a representation after a lapse of an inordinate period would not bring the case within limitation, if otherwise it is barred by time. In any case, if the submission of Shri Sharma, is accepted in that event the provisions of Section 21 of the Act, would be rendered otiose and nugatory. In the case of V.S.Ragwan Versus Secretary to the Ministry of Defence, reported in (1987) 3 ATC Page 602, the Madras Bench of the Central Administrative Tribunal has held that a departmental representation made 7 years after the accrual of the cause of action, could not stop the limitation.

4. In the instant case, the applicant was required to be taken in service within one month from the date the order dated 24.4.1992, was passed in T.A. No. 1616/1986. The applicant never represented his case for a long period of about 7 years and obviously, adopted an attitude of inaction. He has not been diligent in prosecuting his legal remedy. The present O.A. is clearly barred by time, therefore, it is dismissed in limine.

(A.P.Nagrath)
Adm.Member

(Justice O.P.Garg)
Vice Chairman

.....

Copy
30/1/2002

Copy of original document
Sent to R1 to R6 with 60
to 65
01/2/2002

AD [signature] with 89 [signature]
R1 2 55 & R3 4 [signature]
[signature]
15/2

Part II and III destroyed
in my presence on 21-6-02
under the supervision of
section officer [signature] as per
order dated 14/1/02

Section officer (Records)
[signature]