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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

DATE OF DECISION: 20TH FEBRUARY, 2004

Original Application No. 13/2004 alongwith M.A. No. 08/2004

1. Badri Lal Sharma S/o Shri Khubi Ram Sharma, aged about 49 years, r/o Madhuban Colony, Plot No. 66, Near Sethi bye pass road, Chittorgarh, Rajasthan, at present employed on the post of A.S.M., Chittorgarh under Senior DPO, Ratlam Division, Western Railway.
2. Babulal Sharma s/o Shri Kashi Ram Sharma, aged about 46 years r/o F-186, R.K.Colony, Bhilwara, at present employed on the post of A.S.M. at Bhilwara under Senior DPO Ajmer Division, Northern/Western Railway.
3. Abdul Hamid s/o Shri Sultan Mohd., aged about 45 years, resident of c/o S.M.Dhodher Railway Station, at present employed on the post of A.S.M. at Dhodher under Senior DPO Ratlam Division, Western Railway.
4. Babulal Borasi s/o Shri Daulat Ram, aged about 48 years, resident of c/o S.M.Daloda Railway Station, at present employed on the post of A.S.M. at Daloda under Senior DPO Ratlam Division, Western Railway.

..Applicants

Versus



1. Union of India through the General Manager, Western Railway, Churchgate, Bombay.
2. The D.R.M. Ratlam Division, Western Railway, Ratlam.
3. The Senior D.P.O., Western Railway Ratlam Division, Ratlam.
4. The D.R.M./W.Rly., Ajmer Division, Ajmer (Raj.)

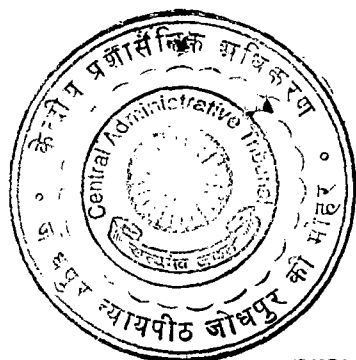
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5. Arvind Sharma, A.S.M. at Piplod Railway Station, through the Senior DPO, Ratlam Division, Ratlam.
6. Prasant Sarvate, ATNL, through the Senior DPO, Ratlam Division, Ratlam.
7. Rajeev Mathur, ASM, at Jharwasa though the Senior DPO, Ratlam Division, Ratlam.

.. Respondents

Mr. J.K. Mishra alongwith Mr. B. Khan, counsel for the applicants

CORAM:



HON'BLE MR. M.L. CHAUHAN, MEMBER (JUDL)
HON'BLE MR. M.K. MISRA, MEMBER (ADMN)

ORDER (ORAL)

The applicants have filed this Original Application thereby praying for the following reliefs:

"(i) That seniority list Annexure A-1 & Annexure A/2 may kindly be declared illegal and the same may be ordered to be modified by inserting the name of applicants above the respondents No. 5 to 7 at appropriate place with all consequential benefits.

(ii) Any other direction, or order may be passed in favour of the applicants under the facts and circumstances of this case, which may be deemed fit and proper in the interest of justice.

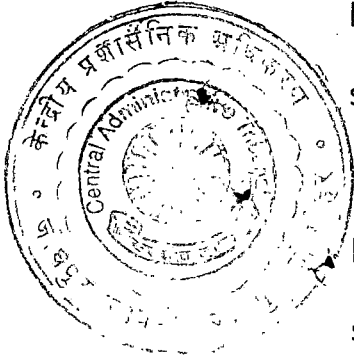
(iii) The cost may also be awarded to the applicants."

2. The facts of the case are that the applicants were initially appointed as Casual Labour in the year 1974. Subsequently,

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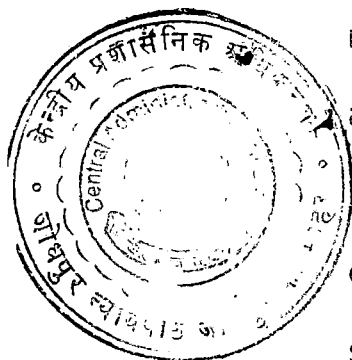
they were promoted against the post of Assistant Station Master (for short, ASM) w.e.f. 1.4.89 to 14.8.1989. The respondents issued a seniority list vide letter dated 22.12.1992 (Ann.A1) for this category. It was mentioned in this letter, as can be seen from Ann.A1, that persons aggrieved of this seniority list may file representation within one month from the date of issue of this letter. It appears that the respondents have issued another seniority list in the year 1999, as circulated vide letter dated 4.2.99 (Ann.A2). It is against these seniority lists, the applicants have filed this Original Application thereby praying that the seniority list issued in the year 1992 (Ann.A1) and subsequent seniority list issued in the year 1999 (Ann.A2) may be modified. Alongwith this application, an application for condonation of delay in filing the Original Application has been filed. It has been stated that there is a delay of 3 ½ years in filing the Original Application and in fact the Original Application ought to have been filed before this Tribunal on 4.2.2000. It is further stated that the seniority list dated 4.2.99 was never published nor ever got noted to the applicants and they were representing against the seniority list dated 22.12.92. Vide letter dated 24.4.97, an assurance was also given by the competent authority to look into the matter, but without finalising the grievance of the applicants,

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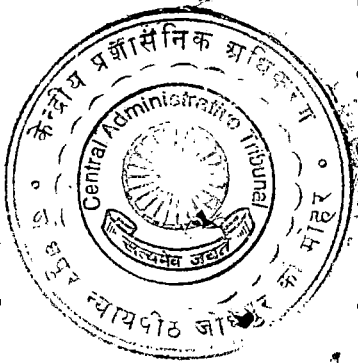
next seniority list was published. It is on these grounds that the applicants have prayed for condonation of delay.

3. We have heard the learned counsel for applicants at the time of admission. We are of the view that the applicants have not made out any case for condonation of delay. As per the version of the applicants, a final seniority list was issued on 22.12.92. Against this seniority list, the applicants have filed representations and they have further stated that the competent authority has given assurance to the applicants to look into the matter. According to us, the facts as stated above, do not constitute sufficient cause for condonation of delay. It has specifically been provided under Section 21 of the Administrative Tribunals Act, 1985, that the Original Application has to be filed within one year from the date of cause of action and where the representation has been made and no decision has been taken within six months, one year after the expiry of six months from the date of the representation. Admittedly, the cause of action has arisen in favour of the applicants in the year 1992 when the seniority list was issued. In view of the provisions contained in Section 21 of the Administrative Tribunals Act, the applicants ought to have filed the Original Application latest by June, 1994

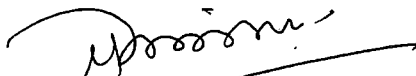


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whereas the Original Application has been filed in the year 2004 after lapse of almost two decades. It is settled law that repeated representation will not extend the period of limitation. Further, the applicants have also not impleaded the affected persons as respondents. As such, no relief can be granted to the applicants. Further, it is also equally settled that settled claim cannot be unsettled after a lapse of considerable period.



4. Viewing the matter from whatever angle, the applicants are not entitled to any relief and the Original Application is hopelessly time barred. As such, the Miscellaneous Application as well as the Original Application are dismissed being highly belated, without any findings on merit.


(M.K. MISRA)
Member (A)


(M.L. CHAUHAN)
Member (J)

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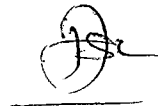
Regd. D.D. ~~order~~ Copy of order
of DD and MD with petition copies

Sent to R-1 to R-7, tick NO
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R-1

R-1, to R-7, order copy sent
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