

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A.No.901 of 1997

Present: Hon'ble Dr. B.C. Sarma, Administrative Member
Hon'ble Mr. D. Purakayastha, Judicial Member

1. Apurba Mohan Saha
Son of Raghunath Saha,
Residing at Vill & P.O. Badarpur, Dist. Murshidabad.
2. Asim Saha
Son of Late Jyotish Ch. Saha,
Residing at Vill. Badarpur, P.O. Nimtita,
Dist. Murshidabad.
3. Bidhan Chandra Ghosh,
Son of Bipul Chandra Ghosh,
Residing at Vill & P.O. Fatullapur,
Dist. Murshidabad.
4. Manik Chandra Sarkar,
Son of Panchanan Sarkar,
Residing at Vill & P.O. Fatullapur,
Dist. Murshidabad.
5. Chandra Sekhar Sarkar,
Son of Late Sudhir Kumar Sarkar,
Residing at Vill & P.O. Chhapghati,
Dist. Murshidabad.
6. Nanda Kumar Sarkar
Son of Late Sudhir Kumar Sarkar,
Residing at Vill & P.O. Chhapghati,
Dist. Murshidabad.
7. Samir Kumar Saha,
Son of Lalipada Saha,
Residing at Vill & P.O. Fatullapur,
Dist. Murshidabad.
8. Nripen Chandra Mondal,
Son of Jyotish Mondal,
Residing at H/o. Mainul Haque, Vill: Madna,
P.O. Raghunathpur, Dist. Murshidabad.
9. Anil Chandra Mondal,
Son of Haren Mondal,
Residing at H/o. Mainul Haque, Vill: Madna,
Dist. Murshidabad. P.O. Raghunathpur.
10. Ratan Singh,
Son of Anan Singh,
Residing at H/o. Mainul Haque, Vill: Madna,
P.O. Raghunathpur, Dist. Murshidabad.
11. Ranjit Ghosh,
Son of Bhagirath Ghosh,
Residing at H/o. Mainul Haque, Vill: Madna,
P.O. Raghunathpur, Dist. Murshidabad.
12. Sanjay Chandra Mondal,
Son of Mohendra Nath Mondal,
Residing at H/o. Mainul Haque, Vill: Madna,
P.O. Raghunathpur, Dist. Murshidabad.
13. Sunil Kumar Mondal,
Son of Kulesh Mondal,
Residing at H/o. Mainul Haque, Vill: Madna,
P.O. Raghunathpur, Dist. Murshidabad.

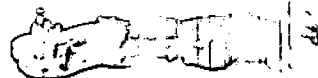
14. Jagadish Sarkar,
Son of Late Mahadeb Sarkar,
Residing at H/o. Mainul Haque, Vill: Madna,
P.O. Raghunathpur, Dist. Murshidabad.
15. Goutam Kumar Sarkar,
Son of Dhananjay Sarkar,
Residing at H/o. Mainul Haque, Vill: Madna,
P.O. Raghunathpur, Dist. Murshidabad.
16. Badal Mondal,
Son of Upen Mondal,
Residing at H/o. Mainul Haque, Vill: Madna,
P.O. Raghunathpur, Dist. Murshidabad.
17. Sukesh Chandra Mondal,
Son of Late Narayan Chandra Mondal,
Residing at H/o. Mainul Haque, Vill: Madna,
P.O. Raghunathpur, Dist. Murshidabad.
18. Nikhil Mondal,
Son of Late Sudha Mondal,
Residing at H/o. Mainul Haque, Vill: Madna,
P.O. Raghunathpur, Dist. Murshidabad.
19. Ram Chandra Mondal,
Son of Jyotish Mondal,
Residing at H/o. Mainul Haque, Vill: Madna,
P.O. Raghunathpur, Dist. Murshidabad.
20. Hemanta Mondal,
Late Umesh Mondal,
Residing at H/o. Mainul Haque, Vill: Madna,
P.O. Raghunathpur, Dist. Murshidabad.
21. Rameswar Mandal,
Son of Baidhya Nath Mandal,
Residing at H/o. Mainul Haque, Vill: Madna,
P.O. Raghunathpur, Dist. Murshidabad.
22. Shyam Charan Das,
Son of Khageswar Charan Das,
Residing at H/o. Mainul Haque, Vill: Madna,
P.O. Raghunathpur, Dist. Murshidabad.
23. Asok Kumar Mandal,
Son of Dasu Mandal,
Residing at H/o. Mainul Haque, Vill: Madna,
P.O. Raghunathpur, Dist. Murshidabad.
24. Ram Krishna Das,
Son of Sukdev Das,
Residing at H/o. Mainul Haque, Vill: Madna,
P.O. Raghunathpur, Dist. Murshidabad.
25. Dilip Kumar Mandal,
Son of Ganesh Mandal,
Residing at H/o. Mainul Haque, Vill: Madna,
P.O. Raghunathpur, Dist. Murshidabad.
26. Goutam Kumar Das,
Son of Dhananjay Das,
Residing at H/o. Mainul Haque, Vill: Madna,
P.O. Raghunathpur, Dist. Murshidabad.
27. Kusay Chandra Mandal,
Son of Shishu Prasad Mandal,
Residing at H/o. Mainul Haque, Vill: Madna,
P.O. Raghunathpur, Dist. Murshidabad.

28. Kamal Kumar Saha,
Son of Mahendra Nath Saha,
Residing at PAG More, P.O. & Dist. Malda.
29. Bikash Mondal,
Son of Haren Mondal,
Residing at H/o. Mainul Haque, Vill: Madna,
P.O. Raghunathpur, Dist. Murshidabad.
30. Arup Kumar Saha,
Son of Kali Pada Saha,
Residing at Vill & P.O. Chhapghati,
Dist. Murshidabad.
31. Nitya Gopal Saha,
Son of Late Gajendra Nath Saha,
Residing at Vill & P.O. Chhapghati,
Dist. Murshidabad.
32. Gobinda Sekhar Sarkar,
Son of Sudhir Kumar Sarkar,
Residing at Vill & P.O. Chhapghati,
Dist. Murshidabad.
33. Subal Kumar Saha,
Son of Late Gajendra Nath Saha,
Residing at Vill & P.O. Chhapghati,
Dist. Murshidabad.
34. Rupchand Sarkar,
Son of Ronchunon Sarkar,
Residing at Vill & P.O. Fatullapur,
Dist. Murshidabad.
35. Md. Nasiur Rahaman,
Son of Abdus Subhan,
Residing at Vill: Jogtai, P.O. Nimtita,
Dist. Murshidabad.
36. Ramendra Nath Sarkar,
Son of Kausik Chandra Sarkar,
Residing at H/o. Mainul Haque, Vill : Madna,
P.O. Raghunathpur, Dist. Murshidabad.
37. Saidur Rahaman,
Son of Fajlur Rahaman,
Residing at Vill: Jogtai, P.O. Nimtita,
Dist. Murshidabad.
38. Md. Ziaul Haque,
Son of Md. Abdul Jolil,
Residing at Vill : Jogtai, P.O. Nimtita,
Dist. Murshidabad.

All the above named applicants worked as Hot weather staff
under Malda Division / Eastern Railway.

-vs-

1. Union of India
through General Manager,
E. Railway, Pailie Place, Calcutta.
2. Divisional Railway Manager,
E. Railway, Malda,
E.O. & Dist. Malda.



3. Divisional Personnel Officer,
E. Railway, Malda,
P.O. & Dist. Malda

4. Divisional Commercial Manager,
E. Railway, Malda
P.O. & Dist. Malda

5. Divisional Safety Officer,
E. Railway, Malda
P.O. & Dist. Malda

.... Respondents

For the Applicants : Mr. S.N. Mitra, counsel

For the Respondents: Mr. C. Samaddar, counsel

Heard on 26.2.1998

Date of order: 26.2.1998

O R D E R

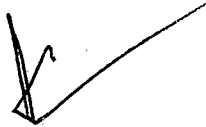
B. C. Sarma, AM

This application has been filed jointly by 38 applicants who claim to have worked as Hot Weather Watermen and were disengaged some time in 1988. They have contended that a direction be issued on the respondents to give them the benefit of the judgment dated 19.3.92 passed in OA 590/89 (Arun Kumar Ram and others vs. Union of India and others) in respect of some Hot Weather Watermen staff.

2. We have heard the submissions of the learned counsel of both the parties and perused the records. We find that the cause of action in this case had arisen in 1988 and the application has been filed only on 6.8.97 after a lapse of about 9 years. The applicants have also prayed for issue of a direction on the respondents to give the benefit of the judgment which was passed in 1992. No plausible explanation has been given by the learned counsel for the applicants as to why there has been so much delay in filing this application. The Hon'ble Apex Court in the case of Baliram Prasad vs. Union of India and others, reported in 1997(2) SCC 292 held that sufficient cause for not making an application within the statutory period has to be made out in respect of the period beyond limitation. The Hon'ble Apex Court have also observed that even for getting the benefit of the judgment passed by a Court the Claim must be made within the period of limitation and this was the judgment in the case of State of Karnataka and others vs. S.M. Kotrayya and

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others, reported in (1996) 6 SCC 267. In this case even no condonation for delay has been filed. When we apply the said principle we find that the instant petition is hopelessly barred by limitation both in respect of their claim of reengagement and also for regularisation and hence they are not entitled to get the benefit of the judgment passed by this Tribunal. Accordingly the application is summarily dismissed at the stage of admission itself without passing any order as to costs.



(D. Purkayastha)

MEMBER (J)

26.2.1998



(B.C. Sarma)

MEMBER (A)

26.2.1998