

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.M.A.156/1997
(O.A.455/1997)

Present : Hon'ble Mr. D. Purkayastha, Judicial Member
Hon'ble Mr. G.S. Maingi, Administrative Member

PRADIP KUMAR GHOSH & ORS.

VS.

UNION OF INDIA & ORS.

For the applicants : Dr. S. Sinha, counsel

For the respondents : Mr. P.K. Arora, counsel

Heard on : 05.08.99

Order on : 05.08.99

O R D E R

Heard ld. counsel for both sides over an application for condonation of delay in filing the Original application. According to the applicants, similar case has been filed by some applicants in O.A.No.590/1989(Arun Kumar Ram & Ors. Vs. Union of India and Ors.) before the Tribunal and that was disposed of on 12.7.88 and thereafter the said order was affirmed by the Tribunal rejecting the review application filed by the official respondents vide order dated 26.6.92.

2. Ld. counsel Dr. S. Sinha appearing on behalf of the applicants submits that the present applicants are similarly situated and circumstanced as the applicants in O.A.No.590/1989 as mentioned above. She further submits that the present applicants are praying for same relief as given to the applicants in O.A.No.590/1989. So, the original application should be disposed of by this Tribunal ^{or wait} after condonation of delay in filing the same.

3. Mr. P.K. Arora appearing on behalf of the respondents resisted the claim of the applicants stating inter alia that sufficient reasons have not been disclosed in the application for condonation of delay as prayed for. It is also submitted

by Mr. Arora that out of 11 applicants, only 4 applicants have submitted medical certificate in support of their statement regarding condonation of delay. But other applicants failed to show any document in support of their claim. So, the application is devoid of any merit and is liable to be dismissed.

4. We have considered the submissions of the ld. counsels for both sides and have perused the records. The Hon'ble Apex Court in a case of K.C. Shama & Ors. Vs. Union of India & Ors. reported in 1998(1)AISLJ-54, held that :-

"Application filed by similarly placed persons should not be rejected for bar of limitation."

On a perusal of the said judgment of the Hon'ble Apex court we are of the view that the ~~delay in~~ filing the O.A. should be condoned.

5. In view of the above, the delay in filing the original application is condoned and the O.A. is admitted for hearing. Reply to the O.A. has already been filed by the respondents. So, the matter should be heard on merits. Liberty is given to the applicants to file rejoinder if any, within 3 weeks from today.

6. Accordingly the M.A. is disposed of.


(G.S. MAINGI)
MEMBER(A)


(D. PURKAYASTHA)
MEMBER(J)

s.m.