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OF C.A.T. (PROCEDURE) RULES

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.Nos.175/94, 178/94, 179/94, 215/94, 216/94, 217/94
268/94 and 359/94.

Monday this the 11th day of July, 1994.

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

O.A.175/94

1. K.S.Ayyappan, Blacksmith .. Applicant
O/o Sr.Div.Sig.and Telecom.Engr.Podanur.
(By Advocate Mr. Anthru)

O.A.178//94

M.Narayanan Kutty
Telecommunication Mechanic
Southern Railway
Calicut. .. Applicant

(By Advocate Mr. Anthru)

O.A.179/94

K.M.Raman Namboothiri
Electrical Signal Maintainer,
Southern Railway, Cannanore. .. Applicant

(By Advocate Mr. Anthru)

O.A.215/94

P.J.Peter,
Electrical Signal Maintainer
O/o the Sr.Divisional Signal and
Telecommunication Engineer, Palghat. . Applicant.

(By Advocate Mr. Anthru)

O.A.216/94

K.Gopinathan,
Record Sorter
O/o the Sr.Divisional Signal and
Telecommunication Engineer/Palghat. ... Applicant

O.A.217/94

V.Chandrasekharan
Peon, O/o The Sr.Divisional Signal
and Telecommunication Engineer
Southern Railway, Palghat. ... Applicant

(By Advocate Mr. Anthru)

CENTRAL ADMINISTRATIVE TRIBUNAL ERNAKULAM BENCH

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O.A.268/94

K.Madhavan,
Electrical Signal Maintainer,
Southern Railway, Badagara. ... Applicant

O.A.359/94

R.Gandhi,
Electrical Signal Maintainer,
Southern Railway, Kulithalai
Office of the Chief Signal Inspector,
Southern Railway, Karur, Palghat Divn. ... Applicant

(By Advocate Mr. Anthru)

Vs.

1. Union of India through the
General Manager,
Southern Railway, Madras.3.

2. The Chief Personnel Officer,
Southern Railway, Madras.3.

3. The Divisional Personnel Officer,
Southern Railway, Palghat.

4. The Sr.Divisional Signal and
Telecommunications, Engineer (Works)
Southern Railway, Podanur.

.... Respondents in all the cases.

By Advocates Mr. George Joseph in O.A.175/94
Mr.Mathews J Nedumpara in O.A.178/94
Mr.KV Sachidandnan in O.A.179/94
Mr. George Joseph in O.A.215/94
Mr.K.Karthikeya Panicker in O.A.216/94
Mr.Mathews J Nedumpara in O.A.217/94
Mr. PA Mohammed in O.A.268/94
Mr. George Joseph in O.A.359/94.

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

The claims are similar and so are the reliefs. Applicants claim the benefits granted to applicants in O.A.869/90 contending that they are similarly situated. Benefits under Annexure.AI judgment, in the strict sense, will enure only to the parties therein. An exception there will be, when there is a declaration of law, binding on parties. We find no such declaration of law. All that the judgment states. is:

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"In the facts and circumstances, we allow this application and set aside Annexure.A5 and hold that applicants have continuous service...."

We cannot assent to the submission that this is a declaration of law.

2. Even where there is a declaration of law, by their conduct, parties may disentitle themselves to relief. Long lost causes cannot be revived altering the shape of things that have crystallised into final shape, that too imposing unmerited financial burden on public funds. The observation of Lord Camden "that the law does not lend its arm tothose who have not been vigilant of their rights", has received the approval of the highest Court in the country. More specifically in Malaprabha Cooperative Vs. Union of India (1994(1) SCC 648) the Supreme Court has pointed out that orders should not be made without considering the impact of such orders,on public administration and revenues.

3. There is much delay in seeking reliefs and the cause of action is stale. For example in O.A.215/94 the claim relates back to 31 years, in O.A.216/94 the claim goes back by more than three decades, in O.A.217/94 the alleged cause of action arose more than two decades ago, in O.A.268/94 the cause of action arose more than two decades ago and in O.A.359/94 the cause of action arose atleast a quarter century ago. At this distance of time relief cannot be granted. The financial burden will be heavy, and the budget allocation of long years ago, cannot be recast.

4. Again specious pleas of similarity cannot be

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accepted. There must be precise pleadings and grounds. A recital that one applicant, is similar to another applicant in another case, is not pleading enough.

5. We do not find any error apparent on the face of the record or any manifest error in the decision making process. These are not fit cases to invoke the discretion in favour of the applicants.

6. We dismiss the applications No costs.

Dated 11th July, 1994.

Sd/-
P.V.VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

Sd/-
CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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CERTIFIED TRUE COPY
Date 18.7.94
Deputy Registrar

CENTRAL ADMINISTRATIVE TRIBUNAL * ERNAKULAM BENCH *