

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Original Application No.374 of 2003.
this the day of 06th August, 2003.

HON'BLE MR. A.K. MISRA, MEMBER (A).
HON'BLE MR. A.K. BHATNAGAR, MEMBER (J).

Munna Lal Sharma, aged about 69 years,
S/o Late M.P.S. Sharma,
R/o House No.36, Mohalla Kalyanpur,
Post Office Bade Qazipur,
District Gorakhpur.
Ex.Sr.FIC/CB/Shed/Lko.

... Applicant.

By Advocate:- Sri Anurag Srivastava.

Versus.

Union of Idian, through its Secretary,
Railways, Ministry of Railways,
Central Secretariat, New Delhi.

2. Chairman, Railway Board,
Railway Head Quarter,
Baroda House, New Delhi.

3. General Manager (P),
Northern Eastern Railway,
Gorakhpur.

4. Divisional Railway Manager (P),
Northern Eastern Railways,
Lucknow.

... Respondents.

By Advocate:- Sri Arvind Kumar.

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O R D E R (ORAL)

BY MR. A.K. MISRA, MEMBER (A).

The relief claimed in this O.A. is for issue of an appropriate direction to the respondents directing them to grant all the consequential benefits to the applicant treating him to be promoted on the post of Foreman (M) w.e.f. 1.1.1984. The O.A. is accompanied by an application for condonation of delay.

2. Learned Counsel for the parties have been heard on the question of maintainability.

3. In the application for condonation of delay filed Under Section-21 of Administrative Tribunal Act, 1985, as reference has been made in Para-5 that number of representations have been made by the applicant which according to the applicant have not been decided. Learned Counsel for respondents has drawn our attention to Annexure-6 and Annexure-7 to the O.A, According to which the representations of the applicant were rejected by order dated 5.4.1993 (Annexure-6) and by order dated 14.11.1995 (Annexure-7). The applicant thereafter made a representation to the Chairman, Railway Board, New Delhi as per Annexure-9 to the O.A.

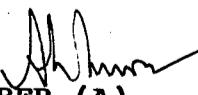
4. Learned Counsel for respondents contends that the order dated 5.4.1993 (Annexure-6) and the order dated 14.11.1995 (Annexure-7) have not been challenged by the applicant and hence no relief can be

granted in the absence of any challenge made to the order dated 5.4.1993 and 14.11.1995. Further, it is contended that the O.A. is highly barred by limitation within the meaning of Section-21 of A.T. Act, 1985 and hence the O.A. deserves to be dismissed. Under Section-21 of the A.T. Act, 1985, a period of one year is prescribed for filing a petition before this Tribunal from the date on which the cause of action arises. The cause of action admittedly arose in this case on 1.1.1984 as stated by the applicant in the application for condonation of delay filed on 4.8.2003 under M.P.No.1769/2003. Thus the present O.A. has been filed 18 years after the cause of action arose for the applicant. It is settled law that repeated representations do not extend the period of limitation as prescribed under Section-21 of the A.T. Act, 1985. However, respondents shall be at liberty to decide the representation made by the applicant to the Chairman, Railway Board, New Delhi annexed as Annexure-9 to the O.A.

5. For all these reasons, we hold that the O.A. is clearly barred by limitation and deserves to be dismissed as such. A reference in this regard may be made to the 7 Judges decision of the Hon'ble Supreme Court in the case of S.S. Rathore Vs. State of M.P., 1990 SCC (L&S) page-50.

6: The O.A. is accordingly dismissed without any order as to costs.


MEMBER (J)


MEMBER (A)

Dated:-06-08-2003.
Lucknow.
Amit/-