

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW**

Original Application No.244/2006

Reserved on 25.7.2012

Date of Pronouncement: 27.7.2012

Hon'ble Dr. K.B.S. Rajan, Member (J).

Hon'ble Mr. S.P. Singh, Member (A)

Raj Narain Singh, aged about 68 years, son of late Sri Ram Adhar Singh, Resident of village Sutauli, P.O. Gopalapur Khuthan, P.S. Khuthan, District-Jaunpur, employed under Deputy Chief Mechanical Manager, Loco Work shop N. R. Charbagh, Lucknow.

...Applicant.

By Advocate: Sri D. Awasthi.

Versus.

1. Union of India through its General Manager, Northern Railway Baroda House, N.R. New Delhi.
2. Chief Works Manager, Loco Workshop N.R. Charbagh, Lucknow.
3. Deputy Chief Mechanical Engineer, Loco Workshop N.R. Charbagh, Lucknow.
4. Production Engineer Loco Workshop, N.R. Charbagh, Lucknow.
5. Sri S. P. Tiwari, Shop, Superintendent, Millwright shop, Loco Workshop N.R. Charbagh, Lucknow.

.... Respondents.

By Advocate: Sri B. B. Tripathi.

ORDER

By Dr. K.B.S. Rajan, Member (J).

Heard the learned counsel for the parties. This case may not detain us for a longer time in view of the fact that if the observation of the Hon'ble Apex Court in the case of DCS Negi vs Union of India (SLP(C) No. 7956 of 2011 dated 07-03-2011) that **it is the duty of the Tribunal to first consider whether the application is within**

limitation is kept in mind, this OA has to be necessarily and summarily rejected.

2. Insofar as the case in hand is concerned, an order of penalty was passed on 26th of March 1992 against which the applicant had preferred an appeal on 4 April 1992. Thereafter there has been a sense of hibernation till at least 13th of April 2006 when the applicant submitted an application before the opposite parties and thereafter has come up before this Tribunal by filing this O.A.

3. The Administrative Tribunals Act, 1985 stipulates that statutory remedy should be ordinarily exhausted. In matters of disciplinary proceedings, Appeal is a statutory remedy. Vide the decision of the Apex Court in the case of **S.S. Rathore v. State of M.P., (1989) 4 SCC 582**, a person can move the Tribunal after the rejection of his appeal or if no action has been taken on his appeal for six months after the expiry of six months. Thus, the earliest that the applicant in this case could have approached the court is six months after his filing the appeal i.e. six months after 04-04-1992 which was October, 1992. Thus, there is a delay of nearly a score of years for which there is no explanation. The applicant's last communication to the respondents in April 2006 is obviously with a view to circumvent the limitation. Stale claims cannot be entertained as held by the apex court in the case of (a) ***C. Jacob v. Director of Geology and Mining,(2008) 10 SCC 115***, (b) ***Union of India v. M.K. Sarkar,(2010) 2 SCC 59*** (c) ***A.P. SRTC v. G. Srinivas Reddy,(2006) 3 SCC 674***.

4. In view of the above the OA being hopelessly time-barred, the same is dismissed. No costs.


(S.P. Singh)
Member-A

Girish/-


(Dr. K.B.S. Rajan)
Member-J