

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH,  
LUCKNOW.**

**Original Application No. 123 of 2009**

This the 10th day of May, 2011

**Hon'ble Mr. Justice Alok K Singh, Member-J**  
**Hon'ble Mr. S.P. Singh, Member-A**

Brijendra Kumar Mishra, Aged about 41 years, S/o late Sri Krishna Kumar Mishra, R/o Village Pandit Purva (Dhanuali), Post Office Babhni Kanoongo, District Gonda (last working as Voluntary Ticket Collector, North Eastern Railway, Gonda).

.....Applicant

By Advocate : Sri Prashant Singh for Sri R.C. Singh

Versus.

1. Union of India through the General Manager, North Eastern Railway, Gorakhpur.
2. General Manager (P), Chief Personnel officer, North Eastern Railway, Gorakhpur.
3. Chief Commercial Manager, North Eastern Railway, Gorakhpur.
4. Divisional Railway Manager, North Eastern Railway, Lucknow Division, Ashok Marg, Lucknow.

.....Respondents.

By Advocate : Sri N. Nath

**ORDER (Oral)**

**By Justice Alok K Singh, Member-J**

M.P. No. 553 of 2009: This is an application under Section 21(3) of Administrative Tribunals Act, 1985 for condoning the delay in filing Original Application.

2. Heard the learned counsel for the parties at length.

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3. The applicant's case is that he worked as Voluntary Ticket Collector at Gonda from 9.11.1983 to 19.11.1983. His services were terminated w.e.f. 20.11.1983 orally. It is said that the Scheme of engagement of Voluntary Ticket Collector (VTC in short) was discontinued by the Railway Board vide letter dated 17.11.1986. It is further said that some of the similarly situated persons came to this Tribunal and some others went before other Forum and ultimately the Hon'ble Supreme Court allowed certain cases in their favour. When a news item was published in the Newspaper in 1st week of September, 2008 only then the applicant came to know about it and thereafter he filed the present O.A. on 19.3.2009.

4. From the other side, it is said that firstly there is an inordinate delay of more than two decades, which has not been properly explained. Secondly, it is said that it is a settled proposition of law that if somebody sleeps over his right, he cannot have the option of getting his claim adjudicated as and when he decides to do so. In respect of some of the decisions of Hon'ble Supreme Court in favour of some of the similarly situated persons, it is said that those judgments are not in rem and, therefore, the applicant cannot derive any benefit from those judgments. Further, it is added that the Hon'ble Supreme Court considered only those VTCs who had worked for more than one month; whereas in the instant case, the applicant had worked only for 11 days. It is also pointed out that first representation has been given by the applicant in the year 1996 i.e. after thirteen years from the date of disengagement. It also goes without saying that repeated representations do not extend the

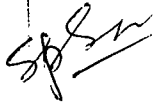
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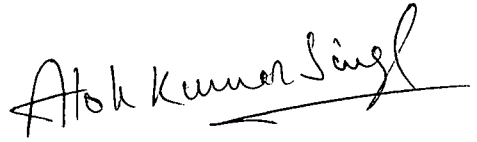
period of limitation. In the Written Objection, reliance has also been placed on the following case law:

- (i) Jagdish Narain Vs. State of Bihar (1973 SC 1343).
- (ii) S.S. Rathore Vs. State of M.P. (1989 [4] SCC 582.
- (iii) 2007 (2) SCC (L&S) 398.
- (iv) Bhoop Singh Vs. Union of India & Others (AIR 1992 SC 141).
- (v) U.P. Jal Nigam Vs. Jaswant Singh (2007 (1) SCC (L&S) 500.

5. In the conspectus of the aforesaid facts and circumstances, we are of the opinion that there is inordinate delay of more than 25 years, which has not been properly explained and as such this O.A. is barred by limitation in view of provisions envisaged in Section 21 of Administrative Tribunals Act, 1985. The delay condonation application is, therefore, rejected.

6. Consequently O.A. is also dismissed. No order as to costs.

  
(S.P. Singh)  
Member-A

  
(Justice Alok K. Singh)  
Member-J

Girish/-