

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.**

O.A. No. 411 of 2006

Date of order : 15.9.06 .

C O R A M

**Hon'ble Ms. Sadhna Srivastava, Member (J)
 Hon'ble Shri S.N.P.N. Sinha, Member (A)**

Jhagro Mandal, S/o Late Nehal Mandal, Ex-fitter under Loco Shed Jhajha, P.O. Jhajha, District – Jamui, resident of village Beni Bak, P.O. +P.S. Jhajha, District – Jamui.

....Applicant

By Advocate : Shri J.P. Singh

Vs.

1. The Union of India through the General Manager, East Central Railway, Hajipur, Bihar.
2. The Divisional Railway Manager, East Central Railway, Danapur Division at Danapur, P.O. Khagaul, Patna.
3. The Senior Divisional Personnel Officer, East Central Railway, Danapur Division at Danapur, P.O. Khagaul, Patna.
4. The Divisional Mechanical Engineer (P), East Central Railway, Danapur Division at Danapur, P.O. Khagaul, Patna.
5. The Divisional Accounts Officer, East Central Railway, Danapur Division at Danapur, P.O. Khagaul, Patna.
6. The Assistant Mechanical Engineer (P), E.C. Railway, Loco Shed, Jhajha, Jamui.
7. Nirmal Kumar Bhattacharjee, Memeri Old L.J.C. Matha, Post – Memeri, District- Burdwan, West Bengal, retired as Veldor Gr. I, Loco Shed Danapur, P.O. Khagaul, Patna.

....Respondents

By Advocate : Shri A. Haider



ORDERBy Sadhna Srivastava, M (J):-

By means of this OA the applicant claims promotion in Grade I from the date when his junior, Shri N.K. Bhattacharya as well as some other juniors [redacted] were promoted.

2. The facts as alleged in the OA are that the applicant was appointed as Khalasi on 26.9.1962 in the Loco shed Jhajha subsequently promoted to the post of Hammer Man and in 1979 he was allowed Grade II Scale. The applicant claims that he was senior to N.K. Bhattacharya (respondent No. 7) in the scale of Rs. 330/- However, respondent No. 7 was promoted to Grade I with effect from 1.3.1993. The applicant was not promoted to Grade I. On 29.2.2004, the applicant retired from the post of Fitter. Aggrieved with his non-promotion, the applicant filed representation on 8.12.2000 through the Men's Union, Eastern Railway. Thereafter, another representation was made on behalf of the applicant on 3rd August, 2003. It is



alleged in the OA that no order has yet been passed on the representation of the applicant.

3. Heard learned counsel for the parties. In the year 1993 the applicant was superseded by respondent No. 7, and he filed the present OA in the year 2006. The intent and purpose of the legislature to prescribe the period of limitation under Section 21 of the Administrative Tribunals Act, 1985 is to ensure that the Tribunal is not burdened with stale/old claims and that of such persons who feel aggrieved of any wrong done to approach the Tribunal within a reasonable time after the alleged wrong has been done to them, and that they do not keep on sleeping for years and years, and at their sweet will, they wake up to approach the Tribunal to present their old stale claims. In the present case we find that in so far as the applicant's claim is concerned, cause of action arose in 1993 and hence barred by time. By no stretch of imagination can the original application be treated and considered within time. The application is delayed by as much as 13 years. It is settled law that mere repeated



representations do not extend the period of limitation prescribed under Section 21 of the A.T. Act. According to the applicant, he filed the first representation through Union in 2000, i.e seven years of cause of action arose.

4. The applicant has filed an application for condoning the delay in filing OA. In the application the applicant has taken a ground that he has filed several representations before the department but no order has been passed. We are not satisfied by the reasons given by the applicant. We do not find any ground for issuance of notice in this case. Hence, the OA as well as application seeking condonation of delay are dismissed on the ground of delay and laches at the admission stage itself. No order as to costs.

S.N.P.N. Sinha
[S.N.P.N. Sinha] M [A]

Sadhna Srivastava
[Sadhna Srivastava] M [J]

/cbs/