

CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 127/96/199

Date of Decision: 1.10.96

Shri Hemant Damodar Juikar & Ors. Petitioner/s

Shri S .M.Dharap

Advocate for the  
Petitioner/s

V/s.

Union of India and others.

Respondent/s

Shri S.C.Dhawan,


Advocate for the  
Respondent/s

CORAM:

Hon'ble Shri B.S. Hegde, Member (J)

Hon'ble Shri P.P. Srivastava, Member (A)

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal ?

  
(B.S. Hegde)  
Member (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH 'GULESTAN' BUILDING NO:6  
PRESCOT ROAD, BOMBAY:1

Original Application No. 127/96

12 the October day of 1996

**CORAM:** Hon'ble Shri B.S. Hegde, Member (J)

Hon'ble Shri P.P. Srivastava, Member(A)

Shri Hemant Demodar Julkar  
60/B Kamgar Nagar  
Kurla (East) Nehru Nagar  
Bombay- 400 024.

Shri Sanjay Hari Maatre  
Shashank Apartment,  
102/B'Wing, 1st floor,  
Katemanivali Rajbhor Nagar  
Chinch Pada Road, Kalyan(East)

Shri Kishor Gopal Dalvi  
D/26, 404. Sector - 8  
Shanti Nagar, Mira Road(Western Railway)  
Thane District- Pin 401 107.

Shri Sahebrao Namdeo Jadhav,  
Thakurli Bawan Chawl  
Railway Quarters - MA-201/1,  
Post Dombivali, Taluka Kalyan,  
District Thane, PIN 421 202.

Shri Yadunath Purushottam Patil  
B/11/30, Rajendra Nagar,  
Dattapada Road,  
Borivali(East)  
Mumbai - 400 066.

... Applicants.

By Advocate Shri S.M. Dharap.

V/s.

Union of India through the Chairman  
Railway Board, Ministry of Railways,  
Rail Bhavan, New Delhi 11 00 01.

General Manager,  
Central Railway  
Bombay V.T., Bombay 400 001.

Chief Workshop Manager,  
C&W Workshop,  
Central Railway,  
Matunga, Bombay - 400 019.

... Respondents.

By Advocate Shri S.C. Dhawan.

*[Signature]*

ORDER

| Per Shri B.S. Hegde, Member (J) |

This application is made against the wrong declaration of the results of the applicants while conducting the examinations and while declaring the panel for the post of Intermediate Apprentices Mechanics dated 18.4.92. The applicants are the employees of the Central Railway and they are presently working as Skilled Artisans. It is the contention of the applicants that as per the existing Rules, the Skilled Artisans can be promoted as Apprentice Mechanics who have completed 3 years of service and who are below 45 years of age. The applicants contend that they fulfil the requisite qualifications and they should have promoted as Apprentice Mechanics. The respondents issued a circular dated 31.10.90 inviting applicants from the skilled Artisans of the Matunga Workshop satisfying the specified qualifications for selection to the post of Apprentice Mechanics. In response to the said circular, the applicants applied for the said post and contended that they fulfil the requisite conditions stipulated. The respondents conducted a written test and the applicants appeared in the written test. Though they passed the written test and called for viva voce test, but they were not selected and those who have passed in both written and viva voce test their list has been published on 18.4.92.

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2. The applicant have filed M.P. 119/96 for condonation of delay in filing this O.A. on the ground that though some of the colleagues challenged the result before the Tribunal in O.A. 482/92 and 982/92, the said applications were disposed of on 30.10.95.


3. The respondents in their reply submitted that the O.A. is hopelessly barred by law of limitation as they are seeking to challenge their non-panelment in the panel declared as back as 1992. However the application filed by the applicant is barred by law under Section 21 of the A.T. Act. The applicant ought to have filed this O.A. before April 1993, within one year of the cause of action, whereas this application is filed after a lapse of 4 years and no cogent reasons for any reasonable explanation given for the delay in filing the application at this belated stage.

4. Heard Shri S.M. Dharap for the applicant and Shri S.C. Dhawan, for the respondents. Perused the pleadings. The short question is whether this application is sustainable in law. Firstly the application is admittedly a belated one and in M.P. no cogent reasons are adduced for the delay in filing the application has been explained. Therefore, the question is whether the belated and time barred claims without any reasonable explanation can be entertained. In support of the contention, the learned counsel for the applicant has drawn our attention to the decision of the Madras Bench 1995(1) ATJ 343, wherein the Tribunal has held that the benefit of a judgement can be extended to other similarly placed persons provided the claim is not barred by limitation, when the cause of action arises from the date of the grievance, while disposing of the O.A.

the Madras Bench has cited two Supreme Court Cases and one Full Bench decision of the Ernakulam Bench. Wherein the Apex Court has held that the benefit of a judgement can be extended to others similarly placed, only if the claim is not barred by limitation and if no limitation is fixed, if the benefit is claimed within a reasonable time.

5. In the result as stated earlier, the only explanation given by the applicant is that they were awaited the Madras Bench decision, therefore they could not file the application in time. The reasons advanced are not convincing and admittedly the application is filed belatedly and the same is barred by time. Therefore, we are of the opinion, that the explanation offered by the applicants is not convincing apart from delay in filing this application, we see no substance in the application. Accordingly we see no merit in the application and the same is dismissed both on merits as well as on point of limitation at the admission stage itself. No order as to costs.

  
(P.P. Srivastava)  
Member (A)

  
(B.S. Hegde)  
Member (J)

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