

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

ORIGINAL APPLICATION NO:183/1997

Dated this the 17th day of October, 2001

HON'BLE SMT.LAKSHMI SWAMINATHAN, - VICE CHAIRMAN  
HON'BLE SMT.SHANTA SHAstry, - MEMBER(A)

A.S.Ninan,  
Assistant Plant Engineer,  
Central Railway Workshop,  
Parel,  
Mumbai - 400 012. ... Applicant

By Advocate Shri R.Ramesh

V/s.

1. Union of India,  
through the General Manager,  
Central Railway,  
Chatrapati Shivaji Terminus,  
Mumbai - 400 001.
2. The Chief Personnel Officer,  
Central Railway,  
Chatrapati Shivaji Terminus,  
Mumbai - 400 001.
3. The Chief Mechanical Engineer,  
Central Railway,  
Chatrapati Shivaji Terminus,  
Mumbai - 400 001.
4. R.K.Puri,  
Senior Mechanical Engineer(DR),  
Chatrapati Shivaji Terminus,  
Mumbai - 400 001.
5. Shri V.J.Prasadhan,  
Assistant Mechanical Engineer,  
(Diesel),  
Central Railway Diesel Shed,  
Itarsi(M.P.)
6. Shri P.P.K.Nair,  
Assistant Mechanical Engineer,  
(Diesel),  
Jhansi Diesel Shed,  
Jhansi (U.P.)

... Respondents

By Advocate Shri V.S.Masurkar

18

...2.

ORAL ORDER

Per Smt. Lakshmi Swaminathan, Vice Chairman (J)

In this applicant which has been filed on 21/1/97, the applicant had sought various reliefs as set out in paragraph 8 including seniority over respondents 4, 5 and 6 with consequential benefits of promotion and other benefits flowing therefrom. The respondents have filed reply and applicant has also filed a rejoinder. Today the case is listed for Final Hearing.

2. Shri R.Ramesh, learned counsel has frankly submitted that the applicant has superannuated from service more than three years back and for several years now he has not contacted him inspite of the counsel contacting him by letters several times. In the circumstances, he has submitted that he is not in a position to make any further submissions in the matter as it appears that the applicant is no longer interested in pursuing the case.

3. The respondents in their reply have taken a preliminary objection of bar of limitation. According to them the applicant was considered in the workshop stream with effect from 15/02/80 i.e. the date of empanelment for the grade Rs.700-900(RS) which he had accepted and never objected to earlier. Hence, Shri Masurkar, learned counsel has submitted that prayer 8(b) is hopelessly time barred as the cause of action had arisen more than 16 years prior to filing of the OA. They have also disputed the grounds taken by the applicant on merits and have prayed that the OA should be dismissed. In the rejoinder filed by the applicant, he has stated, inter-alia, that he is not exactly

claiming seniority over respondents 4,5 and 6 by counting his adhoc period of posting in Rs.700-900. His contention is with regard to the criteria adopted by the respondents in fixing the inter-se seniority which is discriminatory. However, we find from the facts and circumstances of the case that the claims raised by the applicant suffer from laches and delay and are highly belated and accordingly barred by limitation under Section-21 of the Administrative Tribunals Act.

4. In the result, for the reasons given above, the OA is dismissed. No order as to costs.

(SMT.SHANTA SHASTRY)  
MEMBER(A)  
abp

(SMT.LAKSHMI SWAMINATHAN)  
VICE CHAIRMAN