

**CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH  
ORIGINAL APPLICATION NO.897/1997  
DATED THE 29TH DAY OF JULY,2002**

**CORAM:HON'BLE SHRI S.L.JAIN, MEMBER(J)  
HON'BLE SMT.SHANTA SHASTRY, MEMBER(A)**

1. Mr.Vishnu G Ingale
  2. Mr.Pralhad R Prasad
  3. Mr.Bahirichi S Yadav
  4. Mr.Prakash Baburav Pimpanak
  5. Mr.Suresh Tukaram Patil
- ... Applicants

The address of the abovementioned Applicants for the services of all the notices and process is that of their Advocate's office at Sadhana Rayon House, 2nd Floor, Dr.D.N.Road, Fort, Mumbai - 400 001.

By Advocate Mrs.Anita for  
Shri K.S.Kallapura

V/s.

1. The General Manager,  
of the Zonal Railways,  
Central Railway,  
Personnel Branch,CST,  
Bombay - 400 001.
  2. Carriage and Wagon Superintendent,  
Central Railway, RCF Ltd,  
Thal-Vaishet,  
Alibag - Raigad 402 201.
- ... Respondents

By Advocate Shri Suresh Kumar

(ORAL)(ORDER)

Per Shri S.L.Jain, Member(J)

This is an application under Section 19 of the Administrative Tribunals Act 1985 seeking relief of reinstatement with full backwages and continuity in service with effect from 13/2/1987.

2. The applicants claimed that they were Khalasis employed by the Divisional Railway Manager, Personnel Branch, Central Railway and were carrying out their work under the carriage and wagon superintendent, Central Railway, R.C.F.Ltd, Thal-Vaishet, Alibag-Raigad. They were appointed after completing all the

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formalities for appointment of a permanent job, including medical test. They had been stopped from work with effect from 13/2/1987. A criminal case was registered against the applicants at Alibag police station. A charge sheet was filed against them, bearing Regular case No.253/87 which ended in acquittal vide judgement dated on 13/5/1996 (Exhibit A). The applicants represented for taking them back on duty vide their representations dated 21/5/1996, 12/8/1996 and on 7/1/1997 but the respondents did not reply to their representations. Hence the applicants have approached this Tribunal <sup>on</sup> 4/8/1997 for the aforesaid reliefs.

3. On perusal of the record, we find that there is no order passed by the respondents which suggests that the applicants were stopped from working with effect from 13/2/1987.

4. There is an application for condonation of delay filed on 13/8/99. On a perusal of the said application, we find that the applicants were in police custody for ten days and later they were released. As such, after 10 days, the applicants were free to report on duty to the respondents. Even in the said application in para-2 it is mentioned that they were not allowed to join duty since they were charged with criminal complaints against ~~on~~ the alleged charges of producing false appointment letters. They submit that the case has been decided in their favour. The superintendent of third respondent informed the applicants <sup>then</sup> that they will consider taking them back after the decision of criminal court by the criminal court. The said ground is not established by placing such facts on record except an averment with vague allegations. In our view, there is no

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sufficient cause to condone the delay. In the circumstances, MP-935/2001 for condonation of delay is dismissed.

5. The learned counsel for the applicants brought to our notice that applicant Shri Prakash Baburao Pimpanak was appointed on 24/2/1987 (page-44 of paperbook) and a certificate has been issued that he is a permanent employee vide certificate dated 27/2/1987. Regarding other applicants, no records have been placed. The respondents have denied the allegations made by the applicant. Neither the respondents were aware of the criminal case against the applicants nor they have prosecuted the same. The applicant were neither suspended nor disciplinary proceedings were started against them. They were not on duty from 13/2/1987. It is not the reason/cause of action-the decision of the criminal case which entitles them to any relief for the reason that the criminal case was instituted by a different authority having no relation with the respondents. The grievance of the applicants commences with effect from 13/2/1987, as such their representations dated 21/5/1996, 12/8/1996, 7/1/1997 and failure of the respondents in not replying the same does not give them a fresh cause of action. The OA is barred by time.

In the result the OA deserves to be dismissed and is accordingly dismissed. No cost.

*Shanta F*  
(SMT. SHANTA SHASTRY)  
MEMBER(A)

*S.L. Jain*  
(S.L. JAIN)  
MEMBER(J)

abp

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**BOMBAY BENCH, MUMBAI.**

**M.A. Nos. 948/2013 & 949/2013 in R.A. 16/2008 in O.A. 897/1997.**

Dated this Wednesday, the 10<sup>th</sup> day of December, 2014.

**CORAM** : Hon'ble Smt. Chameli Majumdar, Member (J).

Hon'ble Dr. Mrutyunjay Sarangi, Member (A).

Vishnu Govind Ingle & 4 Others

... Applicants

Versus

General Manager, Zonal Railways,  
Central Railways, Personnel Branch,  
Mumbai & Another.

... Respondents.

**Tribunal's Order**

The applicant has filed M.A. No. 949/2013 for condoning the delay in filing the restoration application for restoration of the Review Application No. 16/2008.

From the records it appears that the O.A. No. 897/1997 was dismissed on 29.07.2002. It further appears that this application for condonation of delay was dismissed on merit since sufficient ground was not established by placing the facts on record for the delay, save and except averments with vague allegations. The O.A. was also dismissed considering the merit of the case. The applicants, thereafter filed Review Application No. 16/2008



after a lapse of almost six years. The said review application was also not perused in right earnest. The said review petition was dismissed on 02.09.2009. The order passed on the Review Petition No. 16/2008 is set out herein below :

"On the last two dates, i.e., on 05.12.2008 and 13.02.2009, there was no representation on behalf of the applicant. Even today, despite second call nobody appears for the applicant. It appears that the applicant is no more interested in pursuing the review petition. The same is accordingly dismissed for want of prosecution."

3. Even after dismissal of the Review Petition in 2009, the applicants did not take any step for more than three years. In 2013 they have filed an application for restoration of the review petition.

4. Rule 17 of the C.A.T. (Procedure) Rules, 1987 envisages that "No application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed." The applicants have not given any convincing ground for the delay of more than six years in filing the Review Petition apart from filing this application for restoration after more than 3 years from the date of dismissal of the R.P.

5. In view of the facts and circumstances in this case, the application for restoration suffers



from the doctrine of delay and laches on the part of the applicants. The M.A. for restoration of R.P. is liable to be dismissed. The applicants have simply abused the process of law in filing petition after petitions, years beyond the prescribed period of limitation.



The M.A. No. 948/2013 for restoration of the Review Petition is dismissed. M.A. No. 949/2013 also stands dismissed.

Certified True Copy

Date 14/1/15

*T. S. Masurkar*

Section Officer  
Central Administrative Tribunal  
Bombay Bench

Section Officer

No/CAT/MUM/JUDL/ RP 16/2008 9745 Dated: ~~28/12/14~~ 14/1/15  
in OA 897/1997 WITH MP 948/2013 & 949/2013  
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- 1 Shri K. K. Mishra, learned counsel for the Applicant. Manjusham Apartment 4, Ground Floor Nr Lakdi Pul Lokmanya Nagar, Thane.
- 2 Shri V. S. Masurkar, learned counsel for the respondents.

Despatched on 15/1/15  
DESPATCHED