

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

DATE OF ORDER: 30/3/2001

OA 343/94 with MA 368/94

1. Mehpheel Singh son of Shri Mangal Singh aged about 40 years resident of 24, Village Naharpura Post Rajgarh District Ajmer. Presently posted as Fitter Grade II Ticket No. 45810/10, Loco Workshop, Western Railway, Ajmer.
2. Radhey Shyam son of Shri Mool Chand aged about 50 years resident of Gehlot Ki Doongari, Surya Nagar, Ajmer. Presently posted as Fitter Grade II, Ticket No. 46620/10, Loco Workshop, Western Railway, Ajmer.
3. Mangilal son of Shri Puran Singh aged about 45 years presently posted as Fitter Grade II, Ticket No. 45240/10, Loco Workshop, Western Railway, Ajmer.
4. Ummed Singh son of Shri Birbal aged about 45 years presently posted as Fitter Grade II, Ticket No. 45408/10, Lock Workshop, Western Railway, Ajmer.

....Applicants

VERSUS

1. Union of India through General manager, Western Railway, Churchgate, Mumbai.
2. Chief Works Manager, Loco Workshop, Western Railway, Ajmer.
3. Shri Mahendra Kumar, T. No. 45615.
4. Shri Vinod Kumar, T. No. 39184.
5. Shri Jagdish Prasad, T. No. 45032.
6. Shri Yatish Kumar, T. No. 44891.
7. Shri Pawan Kumar, T. No. 44945.
8. Shri Rajendra Kumar, T. No. 44880.
9. Shri Jamuna Prasad, T. No. 47053.
10. Shri Ram Narain, T. No. 44878.
11. Shri Mahesh Babu Mishra, T. No. 57356.
12. Shri Pratap Singh, T. No. 40381.
13. Shri Radhey Shyam, T. No. 40174.
14. Shri Mahesh Kumar, T. No. 41324.

Respondents no. 3 to 14 are working c/o Chief Works Manager, Loco Workshop, Western Railway, Ajmer.

....Respondents

Mr. P.P. Mathur, Proxy counsel for
Mr. R.N. Mathur, Counsel for the applicant.
Mr. S.S. Hassan, Counsel for the respondents.

CORAM

Hon'ble Mr. S.K. Agarwal, Member (Judicial)
Hon'ble Mr. A.P. Nagrath, Member (Administrative)

ORDER

PER HON'BLE MR. A.P. NAGRATH, MEMBER (ADMINISTRATIVE)

The applicants have challenged the seniority list of Annexure A-1 and claim that they are senior to private respondents no. 3 to 14. They seek direction to the respondents to set aside the seniority list at Annexure A-1 and to grant them seniority as Fitter Grade III and Grade II above the private respondents.

2. We find that the applicants have challenged the seniority list dated 13.4.94 which is for Grade II, scale Rs. 1200-1800. Respondents in their reply have stated that this seniority list is based on and from amongst those in the seniority list of Grade III scale Rs. 950-1500, which was finally issued on 13.2.1990. Respondents have opposed this application on the ground of limitation apart from merits. Their contention is that the seniority of applicants vis-a-vis the private respondents had been finalised in 1990 and the applicants never challenged that position. They submit that the present application is hit by limitation and deserves to be rejected on that ground.

3. The applicants have also filed MA no. 368/94, wherein they have made a prayer for condonation of delay. From their written averments, we find that the only ground taken by the applicants is that they are ^{not} aware of law as they are not

highly educated. We do not find any force in this averment. Section 20 and 21 provide for period of limitation and it is clearly enjoined upon the Tribunal not to admit applications, which have not been made within period prescribed therein. Law does not make distinction between the educated and less educated in this respect. The respondents have also opposed the prayer of the applicants for condonation of delay, for these reasons reasons, We do not find the reasons advanced for condonation of delay acceptable and dismiss the MA.

4. Consequently, the OA is also dismissed as barred by limitation.

unf
(A.P. NAGRATH)
MEMBER (A)

S.K.A.
(S.K. AGARWAL)
MEMBER (J)