

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of Order: /0.5.2000

OA No. 525/94

Shri Anand son of Dodomal Sindhi, Ex. Jamadar, P.W.I. (South), Western Railway, Ajmer resident of Ward No. 34, Near Prem Cables, P.G. Foils, Nr. Compounder Narendra Singh, Sendra Road, Beawar (Raj.).

.... Applicants

VERSUS

1. Union of India through General Manager, Western Railway, Church Gate, Bombay.
2. Divisional Railway Manager, Western Railway, Ajmer.
3. Divisional Personal Officer, Western Railway, Ajmer.
4. Divisional Sr. Engineer, Western Railway, Ajmer.

.... Respondents.

Mr. P.P. Mathur, Counsel for the applicant.
Mr. Hemant Gupta, Proxy counsel for
Mr. M. Rafiq, Counsel for the respondents.

CORAM

Hon'ble Mr. S.K. Agarwal, Member (Judicial)
Hon'ble Mr. N.P. Nawani, Member (Administrative).

ORDER

PER HON'BLE MR. N.P. NAWANI, MEMBER (ADMINISTRATIVE)

In this application, the applicant seeks a large number of reliefs ranging from wages for period 25th and 26th February, 1985 to transfer allowance to payment of P.F. amount for the period from 1.3.85 to 21.1.86 as can be seen at pages 11 & 12 of the OA.

.... 2/-

2. The applicant had earlier filed an OA no. 102/88 which was dismissed as withdrawn on 5.7.94 with liberty to file fresh OA after the learned counsel for the respondents had argued that some of the reliefs were time-barred and the OA suffered from mis-joinder of causes. This OA has been filed after about three months of the previous OA. In their preliminary objection, to the present OA, the respondents have stated that this OA is not based upon a single cause of action and reliefs are not consequential to one other. This OA, therefore, is not maintainable under Rule 10 of the Administrative Tribunal (Procedure) Rules and should be dismissed on this count alone. It has also been contended that the OA is hopelessly time barred and sufficient reasons have not been given in the Miscellaneous Application for condonation of delay and on this count also, this OA deserves to be dismissed.

3. The respondents have also contended that the applicant has wrongly stated that he had retired voluntarily whereas he retired on superannuation. The applicant was on leave from 2.4.85 to 7.4.85. He was absent from duty from June, 1985 to January, 1985 and again from 09.8.1986 to 31.8.86 and because of this, he was neither paid wages for the period nor P.F. was deducted. There was no question of paying back his P.F. for the period as prayed for. During negotiations with the Asstt. Labour Commissioner, it was recommended that the applicant be transferred, which was done after the applicant rejoined the duties. The applicant is not entitled to get any relief and application deserves to be dismissed.

(P)

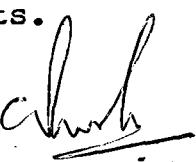
4. We have heard the learned counsel for the parties and have perused the records.

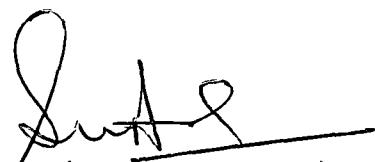
5, This OA not only suffers from multiple reliefs, inspite of the experience of the earlier OA filed by the applicant but is also hopelessly barred by limitation. The various causes of action all arose during 1985-86, whereas this OA has been filed only in October, 1994. We have gone through the Miscellaneous Application for Condonation of delay and are not satisfied with the reasons given to ignore such a long delay of almost fifteen years. We have to take note of the judgement of Hon'ble the Supreme Court of India in Harnam Singh Vs. Union of India, reported in 1993 (24) ATC 92, in which it was held that the law of limitation is to be applied with all its vigour and the Tribunal cannot come to the rescue of those who sleep over and allow limitation to expire.

5. In view of the above discussions, this OA deserves to be dismissed both on account of multiple reliefs as barred by Rule 10 of the Administrative Tribunal (Procedure) Rules as also being hopelessly barred by limitation.

7. Even on merits the applicant has not been able to establish his case. On the other hand the respondents have explained as to how the applicant is not entitled to any of the many reliefs sought by the applicant in this OA.

8. In view of the discussions above, the OA deserves to be dismissed and is so dismissed with no order as to costs.


(N.P. NAWANI)
MEMBER (A)


(S.K. AGARWAL)
MEMBER (J)