

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.121/95

Date of order: 10/8/2007

Moti Lal, S/o Sh.Sarwan Lal Bairwa, working as  
Leverman at Jaipur Rly Station, Jaipur.

...Applicant.

Vs.

1. Union of India through the General Manager, W.Rly,  
Churchgate, Mumbai.
2. The Divisional Rly.Manager, W.Rly, Jaipur Divn,  
Jaipur.

...Respondents.

Mr.P.P.Mathur, proxy of Mr.R.N.Mathur, Counsel for applicant

Mr.K.S. Sharma : for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member.

Hon'ble Mr.A.P.Nagrath, Administrative Member.

PER HON'BLE MR S.K.AGARWAL, JUDICIAL MEMBER.

In this O.A filed under Sec.19 of the ATs Act, 1985,  
the applicant makes a prayer (i) to declare the orders dated  
8.2.90 (Annx.A6), dated 2.3.90 (Annx.A7) and dated 19.3.90  
(Annx.A8), illegal, discriminatory and against the  
principles of natural justice; and (ii) to declare that the  
applicant is duly promoted to the post of Ticket Collector  
w.e.f. the date of his ad hoc appointment i.e. 4.10.87 in  
the pay scale 950-1500 and to give all consequential  
benefits.

2. During the course of arguments at the out set, the  
learned counsel for the respondents raised a plea of  
limitation and argued that the prayer of the applicant  
regarding quashing of orders at Annx.A6, A7 and A8 is  
hopelessly barred by limitation as the applicant has

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challenged these orders in the year 1995, ie. after about 5 years.

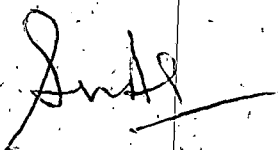
3. Sec.21 of the Administrative Tribunals Act, 1985 provides for limitation of filing O.A. According to this provision, the applicant is required to file the O.A within one year from the date of passing the order but in this case the applicant admittedly filed this O.A after approximately 5 years from the date of passing of the order. An application for condonation of delay has also been filed but on a perusal of this application, we are of the opinion that the delay in filing the O.A has not been properly explained, therefore, we do not find any basis to condone the delay as prayed by the applicant.

4. The law is well settled and in catena of judgments, it has been held that the O.A filed more than a year from the date of passing the order is barred by limitation if the delay has not been properly explained.

5. In Bhoop Singh Vs. Union of India & Ors, AIR 1992 SC 1414, it was held that inordinate delay or latches itself a ground to refuse relief irrespective of the merit of the claim.

6. In Ratan Chandra Samanta & Ors. Vs. Union of India & Ors, JT 1993(3) SC 418, Hon'ble Apex Court held that a person who sleeps over his grievances loses his right as well as remedy.

7. In Administrator of Union Territory of Daman & Diu Vs. R.D.Valand, 1996(1) SCC (L&S) 205, Hon'ble Supreme Court held that the Tribunal fell into patent error in brushing aside the question of limitation by observing that the respondent has been making representations from time to time and as such the limitation would not come in his way.

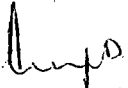


8. In view of the settled legal position and facts and circumstances of this case, we are of the considered opinion that this O.A is hopelessly barred by limitation and liable to be dismissed on this ground.

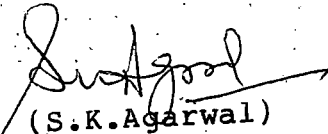
9. The other reliefs as claimed by the applicant has not been pressed during the course of arguments.

10. In view of above, we have no option except to dismiss this O.A as barred by limitation.

11. We, therefore, dismiss this O.A with no order as to costs.

  
(A.P.Nagrath)

Member (A).

  
(S.K.Agarwal)

Member (J).