

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.238/99

Date of order: 31/3/2003

1. Damodar, S/o late Shri Ram Lal, Driver Gr.C, Bikaner Division, Northern Rly, C/o Amrit Surolia, Advocate, 71, Jawahar Lal Nehru Marg, Near Police Memorial, Jaipur.

...Applicants.

Vs.

1. Union of India through the DRM, Northern Rly, Bikaner Division, Bikaner.

2. Divisional Mechanical Engineer (DME), Northern Rly, Bikaner.

...Respondents.

Mr. Amrit Surolia - Counsel for the applicant

CORAM:

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

Hon'ble Mr. N.P. Nawani, Administrative Member.

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

In this Original Application under Sec.19 of the Administrative Tribunals Act, 1985, the prayer of the applicant is to quash the illegal termination/dismissal of order dated 27.10.86 and to award pension and other related consequential benefits to him from the date of his superannuation.

2. Admittedly, applicant in this case has challenged the order of dismissal dated 27.10.86 and if dismissal order is set aside, he has claimed the pensionary benefits as well as all consequential benefits thereto.

3. In Bhoop Singh Vs. Union of India, AIR 1992 SC 1414, it was held by Hon'ble Supreme Court that "it is expected of the Govt servant who has legitimate claim to approach the Court for the relief he seeks within a reasonable period. This is necessary to avoid dislocating the administrative set up. The impact on the administrative set up and on other employees is strong reason the consideration of stale claim".

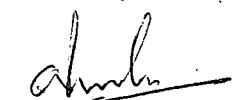
4. In U.T. Daman and Deav & Ors Vs. R.K. Valand, 1996(1) SCC (L&S) 205, Hon'ble Supreme Court held that "the Tribunal fell in patent error in brushing aside the question of limitation by observing that the respondents has been making representation from time to time and as such the limitation would not come in his way".

5. The main purpose of limitation provided under Sec. 21 of the Administrative Tribunals Act, that the Govt servant who has legitimate claim should immediately agitate for the same against the adverse order against him and on getting the final order or within a period of one year after the lapse of 6 months from the date of representation to which no reply has been received, he must

approach the Tribunal for redressal of his grievance.

6. Neither any application for delay of condonation has been filed, nor any proper reason for the delay of 13 to 14 years has been explained by the applicant to challenge the impugned order of dismissal. We are, therefore, of the opinion that the O.A filed by the applicant is hopelessly barred by limitation and we have no alternative except to dismiss the O.A as barred by limitation.

7. We, therefore, dismiss the O.A as barred by limitation at the stage of admission.



(N.P. Nawani)

Member (A).



(S.K. Agarwal)

Member (J).