

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.467/99

Date of order:21.11.2000

M.A No.311/99

1. Shyam Sunder Upadhyay, S/o late Shri Bhanwar Lal Upadhyay, R/o Regional College, Pushkar Road, Shambhoo Nagar, Kotda, Ajmer.

...Applicant.

Vs.

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. The Divisional Railway Manager, W.Rly, Ajmer.
3. The Divisional Commercial Supdt, Western Railway, Ajmer.
4. Ravi Prakash Mahawar, S/o Ganga Prasad, Reservation Clerk, Railway Station Gandhi Dham, Distt.Bhuj, Gujarat.
5. Dinesh Kawadia, S/o J.L.Kawadia, Reservation Clerk, Rly.Station Udaipur City, Udaipur.
6. A.R.S.Gandhi Dham, Western Railway, Gujarat.

...Respondents

Mr.R.P.Singh - Counsel for Applicant.

CORAM:

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

Hon'ble Mr.Gopal Singh, Administrative Member.

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

In this Original Application the applicant makes a prayer to include his name in the selection panel dated 22.2.90 and the same may be modified accordingly.

2. Regarding limitation, the applicant stated that he was initially filed O.A No.99/91 (314/92) which was dismissed on 4.4.1996. However, the counsel for the applicant did not inform the applicant. The details of delay which are being submitted through a separate application supported by an affidavit.

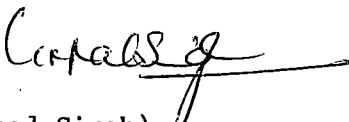
3. There is Misc.Application No.311/99 filed by the applicant alongwith the M.A for condonation of delay in filing the O.A. In this M.A the applicant has stated that the applicant did not learn of the

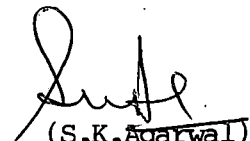
decision, though the applicant kept on enquiry from his counsel for the same and ultimately when the applicant went to his counsel's office on 24.8.99 when the applicant's file was given back to him.

4. The reasons given in the M.A duly supported by an Affidavit, are not sufficient to condone the delay. It was incumbent on the part of the applicant to file the O.A within the period of limitation as provided under Sec.21 of the Administrative Tribunals Act failing which the O.A will be considered to be barred by limitation.

5. It is the settled legal position that if no proper day to day explanation is given for the delay the same should not be condoned.

6. In the facts and circumstances of the case, we are of the considered opinion that this O.A is hopelessly barred by limitation therefore, it is dismissed at the stage of admission.


(Gopal Singh)
Member (A).


(S.K. Agarwal)
Member (J).