

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.174/2000

Date of order: 2/5/2000

Subhash Babu, S/o Shri Munna Lal, R/o Shri Durga Nagar,  
Sacgariya, Kota Junction, Kota, formerly working as  
Khallasi in the W.Rly, Kota.

...Applicant.

Vs.

1. Union of India through General Manager, W.Rly, Churchgate, Bombay.
2. Chief Personnel Manager, W.Rly, Churchgate, Bombay.
3. The Divisional Rly. Manager, W.Rly, Kota.

...Respondents.

Mr.Pradeep Kumar Asthana - Counsel for applicant.

CORAM:

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

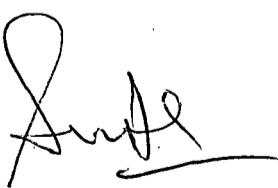
Hon'ble Mr.N.P.Nawani, Administrative Member.

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

In this Original application filed under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to declare the communication dated 23.3.96 as null and void and direct the respondents to reinstate /regularise the services of the applicant with all consequential benefits.

2. Heard the learned counsel for the applicant on admission.  
3. The facts of the case as stated by the applicant are that he was initially appointed as Khallasi substitute by Loco Foreman, Western Railway, Kota on 25.10.73. On 5.5.74, there was complete strike in Railways and even casual labourers were not allowed to perform the duties by the strikers. It is stated that despite this fact, the applicant performed his duties on the days of strike. The strike was thereafter called off. It is stated by the applicant that the Railway has issued letter dated 6.4.77 to reinstate/ regularise the services of the applicant who have been dismissed/ removed/suspended on account of the strike. The applicant filed representation after representation but no body paid any heed and ultimately, the respondents have communicated the applicant vide the impugned communication dated 23.3.96 that the applicant was not in the services of the Railways in May 1974 and other representation earlier to this was not received in the office of the respondents. Therefore, the applicant filed the O.A for the relief as mentioned above.

4. According to the applicant himself, after strike was called off on 5.5.74, the applicant approached the Loco Foreman, Kota but he did not permit him on duty. But according to the communication issued by the respondents on 23.3.96, it is evident



that the applicant was not in service on 5.5.74. No representation is alleged to have been received by the respondents in this regard. The applicant has approached the Tribunal in the year 2000 whereas according to the applicant he was denied to take on duty on 5.5.74 by the Loco Foreman. Therefore, this application appears to be grossly barred by limitation.

5. Under Sec.21 of the Administrative Tribunals Act, the applicant must be approached the Tribunal within a period of one year from the date of final order or if no reply has been received of the representation filed by the applicant, then after lapse of 6 months from the date of representation the applicant must have approached the Tribunal for redressal of his grievance. The main purpose of limitation provided under Sec.21 of the Administrative Tribunals Act is that the Govt servant who has legitimate claim should immediately agitate for the same against the adverse order passed against him.

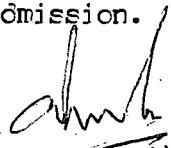
6. In Bhoop Singh Vs. UOI, AIR 1992 SC 1414, it was held by Hon'ble Supreme Court that 'it is expected of the Govt servant who has legitimate claim to approach the Court for the relief he seeks within a reasonable period. This is necessary to avoid dislocating the administrative set up. The impact on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

7. In State of M.P Vs. S.S.Rathore, Hon'ble Supreme Court has held that repeated representations do not extend the period of limitation.

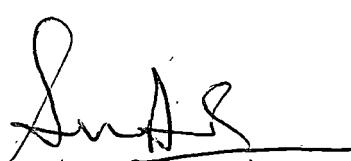
8. In U.T.Daman & Deau & Ors. Vs. R.K.Valand, 1996(1) SCC(L&S) 205, Hon'ble Supreme Court held that 'the Tribunal fell in patent error in brushing aside the question of limitation by observing that the respondents has been making representation from time to time and as such the limitation would not come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

9. In view of the above legal position and facts and circumstances of the case, we are of the considered view that this C.A is hopelessly barred by limitation. Not only this but even on merits, the applicant has no case.

10. We, therefore, dismiss the O.A in limine at the stage of admission.

  
(N.P. Nawani)

Member (A).

  
(S.K. Agarwal)

Member (J).