

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

DATE OF ORDER: 21.7.2004

Original Application No. 338/2003

with

Misc. Appplication No. 308/2003

Mahendra Kumar Sidh son of Shri Banwari Lal aged about 45 years at present working as Points Man under Station Superintendent, NWR Alwar, reside nt of RailwayQuarter, Alwar.

....Applicant.

VERSUS

1. Union of India through General Manager, Northern Western Railway, Jaipur.
2. Divisional Railway Manager, Northern Western Railway, Jaipur.
3. The Station Superintendent, Northern Western Railway, Alwar.

...Respondents.

Mr. S.L. Gupta, Counsel for the applicant.

Mr. Anupam Agrawal, Proxy counsel for Mr. S.P.Sharma, Counsel for the respondents.


CORAM:


Hon'ble Mr. S.K. Agrawal, Member (Administrative)

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

ORDER (ORAL)

Heard. The learned counsel for the applicant has filed MA No. 308/2003 in OA No. 338/2003 for condonation of delay for 13years in filing the OA.

2. The respondents have filed their reply in which they have taken preliminary objection. They have stated that the grievance of the applicant is for the period 1987-88 . In 2003 i.e. after delay of 16 years, Taking from the date of order dated 5.11.1990, there is delay of 13 years in filing



the OA. The applicant is claiming salary for the period from 11.11.1987 to 4.1.1099.

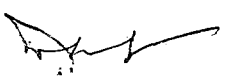
3. In the MA, reason mentioned by the applicant is that he could not filed the OA in time as he was hoping of getting relief from the Administration. He number of times met personally to his higherups and submitted representations. He was given tall assurances that his legitimate grievances will be removed but applicant's all earnest efforts remained fruitless.


4. The respondents in their reply to the OA have mentioned in para No. 3 that the applicant has not met personally to the answering respondents nor submitted any representation and the same has been denied by the respondents that he was given any assurance in this regard.

5. We have considered all the facts and the arguments putforth by the learned counsel for the parties. In our view, the reason mentioned by the applicant for delay of 13 years in filing the OA for claiming salary for the period 1987-1988 is not convincing. The MA is accordingly dismissed.

6. In view of dismissal of the MA for condonation of delay in filing the OA, there is no need to give any finding in the OA and the same too is dismissed accordingly.


(M.L. CHAUHAN)
MEMBER (B)


(S.K. AGRAWAL)
MEMBER (A)


A.H. Q.B.