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CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH
JABALPUR

Original Application No. 575 of 2006

Jabalpur, this the 28th day of August, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble Shri A.K. Gaur, Judicial Member

Janeshwar Prasad,
S/o. Shri Ramesh Prasad Gupta,
Aged about 60 years,
R/o. 50, National Colony,
Shakti Bhawan Road,
Jabalpur.

..... **Applicant**

(By Advocate – Shri S.K. Nandi on behalf of Shri S. Paul)

VERSUS

1. Union of India,
Ministry of Railway,
Through General Manager,
West Central Railway,
Indira Market, Jabalpur.
2. Divisional Railway Manager,
West Central Railway,
Jabalpur Division,
Jabalpur.
3. Senior Divisional Mechanical Engineer,
West Central Railway,
Jabalpur.
4. Senior Divisional Personnel Officer,
West Central Railway,
Jabalpur.

..... **Respondents**

(By Advocate – Shri M.N. Banerjee)

ORDER (Oral)

By A.K. Gaur, Judicial Member –

Heard the learned counsel for the applicant and Shri M.N. Banerjee, Standing counsel for the Railways appearing for the respondents.

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2. The applicant has filed the aforesaid Original Application seeking the following main relief:

“(ii) Set aside the orders dated 19.12.2003 Annexure A-1,

(iii) Direct the respondents to open the sealed cover and consider the case of the applicant for the post of Senior Goods Driver in the pay scale of Rs. 5500-9000/- from the date his juniors/contemporaries were promoted with consequential benefits.”

3. According to the own admission of the applicant after receiving the order dated 19.12.2003, he preferred representations dated 30.9.2004 and 17.9.2004 and when no action has been taken by the respondents in this regard, he now filed the aforesaid OA in the year 2006 without giving any plausible or reasonable explanation regarding the delay caused in the matter. The learned counsel for the applicant has contended that it is a recurring cause of action, but in our considered view it is not a recurring cause of action.

4. Since no reasonable or plausible explanation has been offered by the applicant in the delay condonation application, this OA is liable to be dismissed on the ground of delay and laches. We do so accordingly.

A.K. Gaur
(A.K. Gaur)
Judicial Member

G.C. Srivastava
(Dr. G.C. Srivastava)
Vice Chairman

“SA”

प्राप्तकन सं ओ/न्या.....जबलपुर, दि.....
ए निमित्त वि अको दितल :-

- (1) रतिय, उक्त दयावतार का एकोदितरान, जबलपुर
- (2) आमेरक श्री/श्रीमती/कु.....के काउंसल
- (3) प्रथरी श्री/श्रीमती/कु.....के काउंसल
- (4) गंधपाल, को.प.उ., जबलपुर न्यायपीठ

सूचना एवं आवश्यक कार्रवाई हेतु

G.C. Srivastava
उप निमित्त
6/9/06

Issued
on 6/9/06
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