

(1)

**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**JABALPUR BENCH**  
**JABALPUR**

**Original Application No. 103 of 2005**

**Jabalpur, this the 19<sup>th</sup> day of July, 2006**

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

1. Prarelal, S/o. Shri Moolchand,  
Aged about 37 years, Jhansi Gate  
Shivaji Ward, Bina.
2. Kaloo Ram, S/o. Shri Sukka Ahirwar,  
Aged about 38 years,  
Shivaji Ward, Bina.
3. Barelal, S/o. Shri Babulal,  
Aged about 38 years, Jhansi Gate,  
Jhansi Gate Shivaji Ward,  
Bina.

**Applicants**

(By Advocate – None)

**VERSUS**

1. Union of India,  
Through General Manager,  
West Central Railway,  
Jabalpur.
2. Divisional Railway Manager (P),  
West Central Railway,  
Bhopal.

**Respondents**

(By Advocate – Shri M.N. Banerjee)

**ORDER (Oral)**

**By A.K. Gaur, Judicial Member –**

Neither the counsel for the applicants nor the applicants are present in the Court even on the revised call. The applicants have also not filed rejoinder in the OA. Hence, we proceed to dispose of this Original Application by invoking the provisions of Rule 16 of CAT

H

(Procedure) Rules, 1987. Heard the learned counsel for the respondents.

2. The applicants are aggrieved by the action of the respondents for not calling them for screening test <sup>for</sup> in considering their cases for regularization in Group-D posts inspite of ~~their being~~ circulars dated 20.9.2001 and 28.2.2001.

3. The learned counsel for the respondents Shri M.N. Banerjee has contended that the applicants are relying on the circulars dated 20.9.2001 and 28.2.2001 in the year 2005. No reasonable or plausible explanation has been given for condoning the delay nor any delay condonation application supported by an affidavit is filed by the applicants. Hence, the OA is liable to be dismissed on this ground alone.

4. In view of the judgment rendered by the Hon'ble Supreme Court in 2000 SCC (L&S) 53 R.C. Sharma Vs. Udham Singh Kamal, we are not inclined to go into the merits of the case and this OA is liable to be dismissed on the ground of delay and laches.

5. Accordingly, the Original Application is dismissed as barred by limitation. No costs.

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

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

"SA"

पुस्तक सं ओ/न्या.....जबलपुर, दि.....

पतिलिपि अयोधित:-

- (1) सचिव, उच्च न्यायालय बार एसोसिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के काउंसल
- (3) प्रत्यर्थी श्री/श्रीमती/कु.....के काउंसल
- (4) गंधपाल, के.प्र.अ., जबलपुर

सूचना एवं आवश्यक

उप रजिस्ट्रार

*J. Chaudhary*  
*Dr. B.P.*  
*M.N. Banerjee*  
*Dr. B.P.*

*24-7-06*