

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

Jaipur, this the 06<sup>th</sup> day of May, 2011

**ORIGINAL APPLICATION NO. 152/2011**

**WITH**

**MISC. APPLICATION NO. 108/2011**

**CORAM**

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER  
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Krishna Kant Shukla son of Late Shri M.P. Shukla, caste Brahmin, aged 53 years, resident of 168, Pauchvali Colony, Gali No. 3, Adarsh Nagar, Ajmer. Presently working as Senior Clerk, DRM Office, Ajmer.

.....Applicant

(By Advocate: Mr. K.S. Panwar)

VERSUS

1. Union of India through General Manager, North Western Railway, Jagatpura Road, Jaipur.
2. The Divisional Railway Manager, North Western Railway, Ajmer Division, Ajmer.
3. R.K. Heda son of Purshotam Das, Senior Goods Clerk under Station Superintendent, Bangaurgram.
4. Deepak Sharma son of R.K. Sharma, Senior Goods Clerk, Station Superintendent, Nasirabad.
5. Pritam Saghin son of Arjun Das, Senior Goods Clerk, Station Superintendent Dauri.
6. Vijai Chouhan son of S.L. Chouhan, Commercial Inspector, Station Superintendent Abu Road.
7. Arun Kumar Sharma son of Shiv Lal Sharma, Senior Goods Clerk, Station Superintendent Beawar.
8. Dilip Singh Rathod son of Bajrang Singh Radhod, Senior Goods Clerk, Chief Claim Officer, NWR, HQ, Jaipur.
9. Anil Kumar Jain son of Parasman Jain,, Senior Goods Clerk, CCW Cash Office, Ajmer.
10. Ashok Rajoria son of R.L. Rajoria, Chief Goods Clerk, Chief Courier, DRM Office, Ajmer.

.....Respondents

(By Advocate: -----)

**ORDER (ORAL)**

The present OA is directed against the order seniority list dated 24.08.1998, issued by respondent no. 2, in which the name of the

applicant was placed below the candidates whose names were placed at sr. no. 30 to 42, who were appointed in the year 1993, while the applicant was appointed in the year 1991.

2. Since the applicant has not challenged the seniority list published way back in the year 1998, we would first like to hear on the application of condonation of delay. Having heard on the application for condonation of delay under Section 21 of the Administrative Tribunal's Act, 1985 we find that no specific reason has been mentioned in the application regarding the day to day delay in submitting the OA. The applicant only submitted that he had made the representations on 24.11.1998, 11.08.2000 and 13.10.2000 to respondent no. 2 to assign him correct seniority but no action was taken on his representations. Admittedly, the last representation made by the applicant was on 13.10.2008 and this OA has been preferred in the year 2011 i.e. after a lapse of about more than 10 years. Thus without going into merit of the OA and upon perusal of Section 21 of the Administrative Tribunal's Act, we are of the view that the present case is squarely covered by the ratio decided by the Hon'ble Supreme court in the case of **D.C.S. Negi vs. Union of India & Others** decided on 07.03.2011 [Special leave to Appeal (Civil No. 7956/2011) wherein the Hon'ble Supreme Court has observed as under:-

"A reading of the plain language of the above reproduced section makes it clear that the Tribunal cannot admit an application unless the same is made within the time specified in clauses (a) and (b) of 21(1) or Section 21 (2) or an order is passed in terms of sub-section (3) for entertaining the application after the prescribed period. Since Section 21(1) is couched in negative form, it is the duty of the Tribunal to first consider whether the application is within limitation. An application can be admitted only if the same is found to have been made within the prescribed period or sufficient cause is shown for not



doing so within the prescribed period and an order is passed under Section 21(3)."

3. Upon perusal of the ratio decided by the Hon'ble Supreme Court in the case of in the case of **D.C.S. Negi** (supra), this OA is hopelessly time barred and deserves to be dismissed only on the ground of delay, and the same is accordingly dismissed at admission stage itself with no order as to costs.

4,. In view of the order passed in the OA, no order is required to be passed in MA and the same is also stands dismissed.

*Anil Kumar*

(ANIL KUMAR)  
MEMBER (A)

*K.S. Rathore*

(JUSTICE K.S. RATHORE)  
MEMBER (J)

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