

Central Administrative Tribunal
Principal Bench
New Delhi

M.A.No.2143/2014
in
O.A.No.26/2015
M.A.No.2144/2014

Order Reserved on: 18.04.2017
Order pronounced on 09.05.2017

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri P. K. Basu, Member (A)

Shri Pradeep Kumar Srivastava, age 45 (Group C)
S/o Shri Kaushal Kishore Srivastava
Sr. Booking Clerk
North Eastern Railway
Kasganj. Applicant

(By Advocate: Ms. Meenu Mainee)

Versus

Union of India: through

1. Secretary

Railway Board
Ministry of Railways
Rail Bhawan
New Delhi.

2. General Manager

North Eastern Railway
Gorakhpur

3. Divisional Railway Manager

North Eastern Railway
Izat Nagar. Respondents

(By Advocate: Shri Kripa Shankar Prasad)

ORDER

By V. Ajay Kumar, Member (J):

The applicant filed the OA seeking the following relief(s):

“8.1 That this Hon’ble Tribunal may be graciously pleased to allow this application and quash the impugned orders in so far as the applicant is concerned and direct the respondents to regularize the services of the Applicant from the date from which he had completed 3 years’ service as mobile Booking Clerk, and grant all consequential benefits.

8.2 That this Hon’ble Tribunal may be further pleased to Direct the Respondent of judgment of the Hon’ble High Court of Delhi to the Applicant and give all consequential benefits.”

2. He has also filed the instant MA No.2143/2014 seeking condonation of delay of 430 days in filing the OA.
3. Heard Ms. Meenu Mainee, the learned counsel for the applicant and Shri Kripa Shankar Prasad, the learned counsel for the respondents, and perused the pleadings on record.
4. No valid reasons for condoning the abnormal delay in filing the OA are coming forth either from the pleadings or from the oral submissions of the applicant. Further, the delay is also not properly calculated, since the impugned order sought to be quashed is dated 15.06.1995 (as referred in Para 1 of the MA as well as the OA), i.e., about 20 years prior to the date of filing of the OA.

5. In **Oriental Aroma Chemical Industries Ltd. v. Gujarat Industrial Development Corporation and Another**, (2010) 5 SCC 459, the Hon’ble Apex Court observed, as under:

“8. We have considered the respective submissions. The law of limitation is founded on public policy. The legislature does not prescribe limitation with the object of destroying the rights of the parties but to ensure that they do not resort to dilatory tactics and seek remedy without delay. The idea is that every legal

remedy must be kept alive for a period fixed by the legislature. To put it differently, the law of limitation prescribes a period within which legal remedy can be availed for redress of the legal injury. At the same time, the courts are bestowed with the power to condone the delay, if sufficient cause is shown for not availing the remedy within the stipulated time. The expression "sufficient cause" employed in Section 5 of the Indian Limitation Act, 1963 and similar other statutes is elastic enough to enable the courts to apply the law in a meaningful manner which sub serves the ends of justice. Although, no hard and fast rule can be laid down in dealing with the applications for condonation of delay, this Court has justifiably advocated adoption of a liberal approach in condoning the delay of short duration and a stricter approach where the delay is inordinate"

6. In State of Tripura & Others v. Arabinda Chakraborty & Ors., (2014) 5 SCALE 335

"..... Simply by making a representation, when there is no statutory provision or there is no statutory appeal provided, the period of limitation would not get extended. The law does not permit extension of period of limitation by mere filing of a representation. A person may go on making representations for years and in such an event the period of limitation would not commence from the date on which the last representation is decided."

7. In the circumstances and for the aforesaid reasons, the MA No.2143/2014 is dismissed. Consequently, the OA No.26/2015 and MA No.2144/2014 are also stand dismissed. No costs.

(P. K. Basu)
Member (A)

(V. Ajay Kumar)
Member (J)

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