

Reserved
CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING: BILASPUR

Original Application No.203/01174/2016

Jabalpur, this Tuesday, the 17th day of July, 2018

**HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Naveen Yadav, Batch No. 08

(New Batch No. 382)

Age 40 years,

S/o Shri Chandrika Yadav,

By Post-Licensed Porter,

Kharsiya Railway Station Premises,

Kharsiya, Distt. Raigarh (C.G.) 495442

-Applicant

(By Advocate –**Shri J.A.Lohani**)

V e r s u s

1. Union of India,
through the General Manager,(G.M.)
S.E.C.R., Zonal Office Building,
Bilaspur (C.G.)-495001

2. Divisional Railway Manager (DRM),
S.E.C.R. Office of Divisional Railway Manager,
(D.R.M. Office), Bilaspur (C.G.)-495001

3. Sr. Divisional Commercial Manager,
S.E.C.R., Office of Sr. D.C.M. at
Divisional Railway Manager,
(D.R.M. Office), Bilaspur (C.G.)-495001

-Respondents

(By Advocate –**Shri R.N.Pusty**)

(Date of reserving the order:- 11.07.2018)

O R D E R**By Navin Tandon, AM:-**

The applicant, who is a Licensed Porter at Kharsiya Railway Station, is aggrieved by the fact that he was found unsuitable to the post of Trackman in the result of the screening test declared on 23.05.2008 (Annexure A-3). Hence, he has filed this Original Application.

2. The respondents in their reply have submitted that the instant application is not maintainable and liable to be dismissed only on the ground of limitation.
3. Heard the arguments of learned counsels of both the parties and the pleadings available on record.
4. It has been brought to our notice that in similar matter, Dakshin Purva Madhya Railway Coolie Kalyan Samiti had approached this Tribunal in Original Application No. 242/2012, which was disposed off on 30.03.2012 with a direction to Railways that if members of the applicant Union file separate representations for redressal of their grievances, the same shall be considered and decided by the competent authority of the respondents, in

accordance with law, within a period of six months from the date of receipt of their representation.

4.1 Respondents submit that at that time also, the applicant does not appear to have made any representation.

5. Thereafter, 25 porters again filed O.As Nos. 301-311 & 313-326/2013 in respect of the same subject matter, which was disposed off in a common order dated 13.05.2015 (Annexure A-5) with a direction to decide the representations to be submitted within 15 days.

6. The result of the screening test was declared way back on 23.05.2008. This O.A. has been filed on 16.07.2016. The applicant did not agitate for his grievance before this Tribunal within a reasonable period of time. He did not take advantage of the relief provided in the year 2012 and 2015 by this Tribunal. By his own admission, he has represented to the respondents in the year 2016.

7. Hon'ble Apex Court in the matters of **Chennai Metropolitan Water Supply and Sewerage Board and others** vs. **T.T.Murali Babu**, (2014) 4 SCC 108 observed that, “ A Court is not expected to give indulgence to such indolent persons- who compete with ‘Kumbhakarna’ or for that matter ‘Rip Van Winkle’. In our considered opinion, such delay does not deserve any

indulgence and on the said ground alone the writ court should have thrown the petition overboard at the very threshold.”

8. Accordingly, the Original Application is dismissed being barred by limitation as prescribed in section 21 of Central Administrative Tribunals Act, 1985. No costs.

(Ramesh Singh Thakur)
Judicial Member

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(Navin Tandon)
Administrative Member