

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING: BILASPUR

Original Application No.203/00091/2017

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

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

Krishna Kumar Sahu, Batch No.182,
(New Batch No. 411)
Age-42 years, S/o Shri Bhaktu @ Maklu Sahu,
By Post-Licensed Porter,
Member of Dakshin-Purva Madhya Railway,
Coolie Kalyan Samiti
Having its Registered Office at Railway Porters,
Rest Room, Railway Station Premises,
Bilaspur, Distt. Bilaspur (C.G.)-495001

-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)

ORDER

By Navin Tandon, AM:-

The applicant is a Licensed Porter engaged at Bilaspur Railway Station and is seeking employment with the Railways as Gangman in terms of Railway Boards' circular dated 01.04.2008 and 05.06.2008. He is aggrieved as the respondents have rejected his claim on 23.07/06.08.2012 (Annexure A-2) and hence has filed this Original Application.

2. Perusal of the records indicates that the applicant had earlier approached this Tribunal in Original Application No. 203/319/2016. The Original Application was dismissed vide order dated 11.03.2016 (Annexure A-2), extracts of which are as under:

“2. Needless to say that the said impugned order has been passed in pursuance of the direction issued by this Tribunal in O.A. 242 of 2012 dated 30th March, 2012, wherein the Dakhshin-Purva Madhya Railway Coolie Kalyan Samiti (S.E.C.R. License Porter Welfare Asso.) (Annexure A/4) was the applicant, who had initiated the move on behalf of a group of licensed porters who have been ignored for appointment as the Gangmen/Trackmen as per the scheme of the Railways.

3. Since the impugned order was passed way back on 06.08.2012 and the applicant did not agitate for his grievance before this Tribunal within a reasonable period of time, let alone within a period of one year as prescribed in Section (21) of the Administrative Tribunal Act, 1985. The O.A. has been filed in March 2016, and as such is hopelessly barred by limitation. Hence, it is dismissed on the ground of limitation. No costs.”

3. The applicant approached Hon'ble High Court of Chhattisgarh in WPS No. 1402 of 2016 wherein the following orders were passed on 15.06.2016 (Annexure A-1):

“Counsel for the petitioner submits that he may be permitted to withdraw the petition with liberty to approach the Tribunal again.

2. Counsel for the respondents has no objection if the petitioner withdraws this petition at his own risk.

3. The petition is accordingly dismissed as withdrawn.”

4. The respondents in their reply have submitted that once the case of the applicant has been dismissed by this Tribunal on the ground of limitation and no relief granted by Hon'ble High Court on the appeal of the petitioner, the applicant can not approach this Tribunal again.

5. During argument stage, learned counsel for the applicant placed reliance in the matters of **N. Annappa vs. The State of Karnataka and Anr.**, 1999 AIR SCW 4866 wherein Hon'ble Apex Court has ruled that it was not correct on the part of the Tribunal and the Hon'ble High Court to have rejected the second application on the ground that the second application was barred by principles of res judicata.

6. We find that in the case of N. Annappa (**Supra**), the Tribunal had rejected the first application for want of material. However, in

the O.A. under consideration, the earlier O.A. was dismissed on the ground of limitation.

7. Learned counsel for the respondents submitted that in the case of **Ravinder Kumar vs. Union of India & Others**, 2018 (1) CAT AISLJ 150, Principal Bench of this Tribunal have relied upon several judgments of the Hon'ble Apex Court to dismiss the cases due to inordinate delay.

8. It is very clear that once this Tribunal has dismissed an O.A. on the ground of limitation, it can not be considered again as it is not maintainable. Accordingly, the Original Application is dismissed.

(Ramesh Singh Thakur)
Judicial Member

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(Navin Tandon)
Administrative Member