

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA. 350/1290/2015

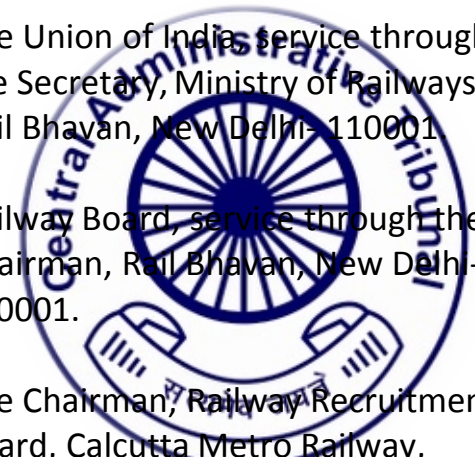
Date of Order: 04.12.2017

Present: Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Shaymal Kanti Sarkar, son of late
Nirjan Sarkar, residing at C/o.
Swapan Kumar Biswas, P.O.
Bagula, P.S. Hanskhali, District-
Nadia, Pin- 741502.

.....Applicant

Vs.

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1. The Union of India, service through the Secretary, Ministry of Railways, Rail Bhavan, New Delhi- 110001.
 2. Railway Board, service through the Chairman, Rail Bhavan, New Delhi- 110001.
 3. The Chairman, Railway Recruitment Board, Calcutta Metro Railway, A.V. Complex, Chitpur, R.G. Kar Road, Kolkata- 700 037.
 4. M/S. Competent Business Services, 3B, Lukeerganj, Allahabad, Uttar Pradesh,

.....Respondents.

For the Applicant : None

For the Respondents : Mr. AK Guha, Counsel

ORDER (Oral)

Per Ms. Manjula Das, Judicial Member:

This original application has been filed by the applicant making prayer for a direction to the respondent authorities to give an immediate appointment and not

to give any effect or any further effect to the notification published in the Employment News dated 10-16th October, 1998 cancelling the written examination for recruitment to the post of category no. 23 which was for Tr. Assistant Station Master and category no. 17 (a) and (b) which was for Commercial Clerk and Train Ticket Collector vide Employment Notice No. RRB/CAL/EN-1/1997.

2. The grievance of the applicant is that after appearing in the written examination he was eagerly waiting for result but all of a sudden the Chairman, Railway Recruitment Board informed the candidates that the written examination which was held, is cancelled following the decision taken by the Railway Recruitment Board. It is noted that the present applicant approached before this Tribunal long after cancellation of the order dated 10/16th Oct, 1998 and approached before this Tribunal in the year 2015 that is after 17 years that too without condonation of delay in filing the original application.

3. We have heard the learned counsel for respondents and perused the documents placed on record.

4. Section 21 of the Administrative Tribunal Act, 1985 provides for limitation of filing an original application as under:

“21. Limitation-

(1) A Tribunal shall not admit an application-

(a) in a case where a final order such as is mentioned in clause (a) of subsection (2) of section 20 has been made in connection with the grievance unless the application is made, within one year from the date on which such final order has been made;

(b) in a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of section 20 has been made and a period of six months had expired

thereafter without such final order having been made, within one year from the date of expiry of the said period of six months.”

Further, sub-section 3 of Section 21 of the said Act, provides as under:

“(3) Notwithstanding anything contained in sub-section applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period.”

In the case of **Bhoop Singh vs. Union of India and others**, 1992 AIR 1414, the Hon’ble Supreme Court has observed as under:

“Inordinate and unexplained delay or laches is by itself a ground to refuse relief to the petitioner, irrespective of the merit of his claim. If a person entitled to a relief chooses to remain silent for long, he thereby gives rise to a reasonable belief in the mind of others that he is not interested in claiming that relief.”

We have noted that the applicant was sleeping over the matter for last 17 years and no sufficient reasons have been explained for condonation of such delay. The maxim ‘vigilantibus, non dormientibus, jura sub-veniunt’ (law assist those who are vigilant not those who are sleeping over their rights) is appropriate to the matter in hand. In our opinion, the case is hopelessly barred by limitation.

5. Accordingly, the OA stand dismissed. No order as to costs.

(Dr. Nandita Chatterjee)
Member (A)

(Manjula Das)
Member (J)

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