

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. OA 350/1819/2016

Date of order : 9.1.2018

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

KHITISH CHANDRA CHATTARAJ
S/o Late B.B.Cattaraj,
R/o Vill & PO - Chowkiberia,
PS - Joypur, Dist. - Purulia,
Pin - 723215,
Was an employee under the
S.E.Railway, Adra Division
And working at Bokaro Steel City.

...APPLICANT

VERSUS

1. Union of India, through
General Manager,
South Eastern Railway,
Garden Reach,
Kolkata - 700043.
2. The Divisional Railway Manager,
S.E.Railway,
Adra, PO - Adra,
Dist. - Purulia,
Pin - 723121.
3. The Sr. Divisional Personnel Officer,
S.E.Railway,
Adra, PO - Adra,
Dist. - Purulia,
Pin - 723121.
4. The Divisional Signal & Telecom Engineer,
S.E.Railway,
Adra, PO - Adra,
Dist. - Purulia,
Pin - 723121.

...RESPONDENTS

For the applicant : None

For the respondents: Mr.A.K.Banerjee, counsel

O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

When the matter was taken up on 2.1.2017 by this Tribunal the order
has been passed as hereunder :

"The applicant has retired from service on 31.6.2013. He has approached CAT on 23.12.2016. His grievance is that he was not granted promotion at par with his junior who was granted promotion w.e.f. 27.8.2002. This matter is hit by limitation and no Miscellaneous Application has been filed seeking condonation of delay. The applicant is granted liberty to file the same. Hence, this matter shall be heard only on the point of limitation, first. Issue notice. Ld. Counsel for the applicant will serve notice upon the respondents. The respondents are granted 4 weeks' time to file reply and thereafter the applicant is granted 2 weeks' time to file rejoinder, if any, on the MA., List this matter before Registrar's Court for completion of pleadings, who will after completion of the same, place the matter on board."

2. From the record it appears that the pleadings were not completed in the Registrar's Court and accordingly the same has been listed today before the Court.
3. After inspection of file we do not find any petition for condonation of delay.
4. The matter relates to the prayer for direction to the respondent authorities to grant promotion from retrospective date at par with his junior who was granted promotion w.e.f. 27.8.2002. Apparently the applicant is seeking relief for granting promotion retrospectively since 2002.
5. None appeared today for the applicant. We have heard Mr.A.K.Banerjee, Ld. Counsel for the respondents and perused the papers and materials placed before us.
6. Ld. Counsel for the respondents submits that the application is barred by limitation and therefore the same cannot be entertained.
7. The issue before us is promotion that too retrospective promotion w.e.f. 2002. Apparently no condonation petition has been filed despite giving liberty by the Tribunal on 2.1.2017. As per Administrative Tribunals Act, 2005 under Section 21 it is provided that -

"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 sub section (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 :

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

More so in the case of *Bhoop Singh -vs- Union of India & Ors. [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 mater so long and no sufficient reasons have been explained for condonation of such delay. The maxim 'vigilantibus, non dermientibus, jura sub-veniunt' (law assist those who are vigilant not those who are sleeping over their rights) is appropriate to the matter in hand.

9. Therefore in our opinion the OA is hopelessly barred by limitation and is therefore dismissed. No costs.



(DR. NANDITA CHATTERJEE)
ADMINISTRATIVE MEMBER



(MANJULA DAS)
JUDICIAL MEMBER

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