

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING : BILASPUR

Original Application No.203/00736/2014

(with MA 203/00456/2014)

Bilaspur, this Thursday, the 18th day of July, 2019

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

Pritam Lal (deceased) represented through LRs:

1. Anusuya Rahangdale (wife) of late Pritamlal
2. Ranjeet Kumar Rahangdale S/o late Pritamlal
3. Sujit Kumar Rahangdale S/o late Pritamlal
4. Girish Kumar Rahangdale S/o late Pritamlal
5. Meena Rahangdale D/o late Pritamlal
6. Sima Rahangdale S/o late Pritamlal

All are the Resident of House No 830 Behind Q/No. 84-85 near
 Railway Station Korba (C.G.) 495678

-Applicant

(By Advocate – Shri Ajay Kumar Barik)

V e r s u s

1. Union of India through General Manager, South East Central
 Railway Bilaspur (C.G.) 495004.

2. Divisional Railway Manager, South East Central Railway
 Bilaspur (C.G.) 495004.

3. Senior Divisional Personnel Officer, South East Central
 Railway, Bilaspur (C.G.) 495004.

4. Senior Divisional Operation Manager (Planning) South East
 Central Railway Bilaspur (C.G.) 495004.

5. Assistant Operation Manager (Planning) South East Central
 Railway Bilaspur (C.G.) 495004

-Respondents

(By Advocate – Shri Vivek Verma)

ORDER (REASONED)

By Navin Tandon, AM.

The applicant is challenging the order dated 29.05.2000 (Annexure A-1), whereby he has been removed from service.

2. During the pendency of this Original Application, the applicant has left for his heavenly abode and he has been represented through his Legal Representatives.

3. Along with the Original Application, the applicant has filed MA No.203/00456/2014 for condonation of delay in filing this Original Application.

4. In his application for condonation of delay, the applicant has stated as under:

4.1 He was under the bonafide impression that he will be reinstated in service.

4.2 He continuously represented the department and was given assurance that the matter is pending and the same shall be intimated to him shortly.

5. Heard learned counsel for the parties on the application for condonation of delay.

6. Section 21 of the Administrative Tribunals Act, 1985 (for short '**the Act**') deals with limitation for filing O.A. before this Tribunal, which reads 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 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.

(2) Notwithstanding anything contained in sub-section (1), where-

(a) the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates; and

(b) no proceedings for the redressal of such grievance had been commenced before the said date before any High Court.

the application shall be entertained by the Tribunal if it is made within the period referred to in clause (a), or, as the case may be, clause (b), of sub-section (1) or within a period of six months from the said date, whichever period expires later.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), an application may be admitted after the period of one year specified in clause (a) or clause (b) of section (1) or, as the case may be, the period of six months specified in sub-section (2), if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period.

7. From perusal of the aforesaid section, it is clear that under the Act, the limitation has been prescribed for filing O.A. before this Tribunal as one year from the date of cause of action. The same can be extended by another six months from the date of filing of appeal if the same is not decided. It has further been stated that if the application is not filed within time as stipulated in Section 21 of the Act, then the applicant has to move a Miscellaneous Application for seeking condonation of delay by explaining the reasons in not filing the Original Application within the limitation.

8. In the instant case, the cause of action arose to the applicant in the year 2000 when he was dismissed from service, whereas he has preferred this Original Application in 2014. The mercy appeal filed by the applicant against the punishment order was also dismissed on 22.05.2001 (page 19 of the O.A). Thus, there is an inordinate delay of almost 13 years in filing

this Original Application. In his application for condonation of delay, the applicant has not been able to explain the delay in not approaching this Tribunal within a reasonable time. It is a settled law that merely by making repeated representations do not extend the period of limitation. Therefore, we find that the instant Miscellaneous Application for condonation of delay as well as Original Application are liable to be dismissed on the ground of delay and laches.

9. Accordingly, MA for condonation of delay is rejected and the O.A is dismissed as barred by limitation.

(Ramesh Singh Thakur)
Judicial Member
am/-

(Navin Tandon)
Administrative Member