

**Central Administrative Tribunal
Kolkata Bench, Kolkata**

O.A. No.166/2019
M.A. No.92/2019

Friday, this the 14th day of June 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Dr. Nandita Chatterjee, Member (A)**

Omkar Nath Tiwari, son of late Ram Ekbal Tiwari
Residing at Street No.8, Qtrs. No.D/3,
Post Chittaranjan, Distt. Paschim
Burdwan (West Bengal) Pin 713331

..Applicant

(Mr. B Bhushan, Advocate)

Versus

1. The Union of India through the General Manager
Chittaranjan Locomotive Works
Post : Chittaranjan, Distt. Paschim
Burdwan (WB) Pin 713331
2. Secretary, Ministry of Railways,
Railway Bhawan, New Delhi – 10 001
3. General Manager, Chittaranjan
Locomotive Works, Post Chittaranjan
Dist. Paschim Burdwan (WB) Pin 713331
4. Principal Chief Personnel Officer
Chittaranjan Locomotive Works
Post : Chittaranjan, Distt. Paschim
Burdwan (WB) Pin 713331
5. Deputy Chief Personnel Officer / Administration
Chittaranjan Locomotive Works
Post : Chittaranjan, Distt. Paschim
Burdwan (WB) Pin 713331
6. Shri Chandan Som, Chief Law Assistant,
22 Ganapati Avenue Post & PS Chittaranjan,
Distt. Paschim Burdwan (WB) Pin 713331

..Respondents

(Mr. B Chatterjee, Advocate for respondent No.1,
Ms. D Mitra, Advocate for respondent Nos. 2 to 5)

ORDER (ORAL)**Justice L. Narasimha Reddy:**

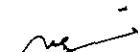
The applicant filed this O.A. challenging the speaking order dated 31.07.2009. Since there is a delay of almost 10 years, M.A. No. 92/2019 is filed with a prayer to condone the same.

2. We heard Mr. B.Bhushan, learned counsel for the applicant, Mr. B.Chatterjee, learned counsel for respondent No.1 and Ms. D. Mitra, learned counsel for respondent Nos. 2 to 5. They took notice at the initial stage itself.

3. The delay involved is almost 10 years. The reasons stated by the applicant for such a long delay is that feeling aggrieved by the impugned order dated 31.07.2009, he made representation to superior authorities and since there was no response over the years, he had approached this Tribunal.

4. It is not as if the applicant was not conversant with the procedure for seeking redressal. He filed O.A. No. 773/2009 and, in compliance with the orders passed therein, the impugned speaking order was passed. In case, he was not satisfied with that, he was expected to pursue the remedy immediately in the same forum before which he claimed relief earlier. Mere filing of the representation and waiting for such a long time does not constitute a ground to condone such an enormous delay.

5. The applicant is challenging a seniority list. Over the decade, several promotions have taken place in the meanwhile,



and even employees have also retired. At this stage, the issue cannot be addressed.

6. Accordingly, M.A. 92/2019 as well as O.A. 166/2019 are dismissed. There shall be no order as to costs.

(Dr. Nandita Chatterjee)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

June 14, 2019
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