

CENTRAL ADMINISTRATIVE TRIBUNAL
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No. M.A. 536 of 2013
(O.A. 1610 of 2013)

Date of order: 3.3.2016

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

ANIL BARAN PATRA & ANR.

VS.

UNION OF INDIA & ORS. (South Eastern Railway)

For the Applicants : Mr. A.B. Ghosh, Counsel

For the Respondents : Mr. A.K. Banerjee, Counsel

O R D E R (Oral)

Justice Shri Vishnu Chandra Gupta, Judicial Member:

Heard Ld. Counsel for the parties.

2. There is an application for condonation of delay in preferring the O.A. No. 1610 of 2013. The O.A. was filed on 30.12.2013 claiming therein the relief of regularisation of service. An order has been passed by the General Manager, S.E. Railway by which the prayer for regularisation was rejected for want of a statutory provision or rules and further claim that employment assistance be provided to the applicant No. 2 on the basis of an injury caused in accident which occurred in 2008. The order impugned dated 31.12.2010 was passed in pursuant to an order passed by this Tribunal in O.A. No. 1601 of 2010. Thereafter he sent another representation on 31.1.2011. He did not choose to challenge that order.

3. Now, the petitioner is taking the benefit of limitation on the ground that his representation given on 31.1.2011 yet not disposed of by the authority. He did not choose to challenge that order impugned. It is well settled principle of law that limitation cannot be gained by moving representation after representation. The matter has been finally adjudicated upon by the competent authority in pursuance of the verdict of this Tribunal by speaking order so the ground taken for

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condonation of delay of about 2 years cannot be condoned.

4. This application is thus devoid of merit. Accordingly, it is dismissed.

Consequently, the O.A. filed is also dismissed being barred by time.

(Jaya Das Gupta)
MEMBER(A)

(Vishnu Chandra Gupta)
MEMBER(J)

SP