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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2290/2003

Thursday, this the 18th day of September, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri R.K. Upadhyaya, Member (A)

Shri Bhupander Kumar
s/o Shri Moti Ram
442-B, Rishi Nagar, Rani Bagh
New Delhi-34

..Applicant

(By Advocate: Shri Kharati Lal)

Versus

Union of India & Others through

1. General Manager
Northern Railway, New Delhi
2. Divisional Railway Manager
Delhi Division, Northern Railway
State Entry Road, New Delhi
3. Sr. Divisional Personnel Officer
DRM's Office, State Entry Road
New Delhi
4. Shri Rajender Kumar/Bhoom Singh
Loco Inspector, 19/19,
Kishan Ganj Railway Colony

..Respondents

O R D E R (ORAL)

Shri Justice V.S. Aggarwal:

Applicant by virtue of the present application seeks a direction to assign the seniority to him above one Shri Rajender Kumar in the category of Diesel Assistant. He also seeks a direction to review the selection proceeding of Loco Inspectors who are in the grade of Rs.6500-10500/- and for placing his name in the seniority list of Passenger Drivers.

2. The said relief admittedly arises out of seniority list which is also being challenged. The seniority list has been drawn in 1992 and thereafter in

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1998-99. The applicant at that point of time had not challenged the said seniority list. He preferred an appeal which was also dismissed as time barred.

3. Our attention has been drawn by the learned counsel for applicant towards the decision of the Supreme Court in the case of G.P. Dowal & others v. Chief Secretary, Government of U.P. & others, 1984 (2) SLR 555. In para 16, the Court held:-

"16. A grievance was made that the petitioners have moved this Court after a long unexplained delay and the Court should not grant any relief to them. It was pointed out that the provisional seniority lists was drawn up on March 22, 1971 and the petitions have been filed in the year 1983. The respondents therefore submitted that the court should throw-out the petitions on the ground of delay, laches and acquiescence. It was said that promotions granted on the basis of impugned seniority list were not questioned by the petitioners and they have acquiesced into it. We are not disposed to accede to this request because respondent Nos. 1 to 3 have not finalised the seniority list for a period of more than twelve years and are operating the same for further promotion to the utter disadvantage of the petitioners. Petitioners went on making representations after representations which did not yield any response, reply or relief. Coupled with this is the fact that the petitioners belong to the lower echelons of service and it is not difficult to visualise that they may find it, extremely difficult, to rush to the Court. Therefore, the contention must be rejected."

4. In the facts of the present case, it will not be possible to give the benefit of the aforesaid observations made by the Apex Court because this Tribunal is a creation of the Administrative Tribunals Act, 1985. Section 21 of the Act provides the period of limitation

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as one year from the date the cause of action arises. The said one year had expired and there is not even a miscellaneous application for condonation of delay. Therefore, it must follow that the present application is barred by time.

5. Resultantly, on this short ground, the application must fail and is dismissed.

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V.S. Aggarwal

(R.K. Upadhyaya)
Member (A)

(V.S. Aggarwal)
Chairman

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