

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17370 of 2015

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Bhupdeo Kumar Sharma son of Late Sakhichand Sharma at present residing at C/O Doctor Suresh Prasad Sharma, Village - Masdi (Near P.W.D.) P.O. - Sultanganj, District - Bhagalpur and Permanent resident of Village - Bindwara Sharma Tola, P.O. - Munger, District - Munger.

.... Petitioner/s

Versus

1. The Union of India through its General Manager, East Central Railway, Hajipur, Vaishali.
2. The Divisional Railway Manager, East Central Railway, Danapur.
3. The Sr. Divisional Personal Manager, East Central Railway, Danapur.
4. The Sr. Divisional Mechanical Engineer, East Central Railway, Danapur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sah @ Baranwal

For the Respondent/s : Mr. Mahesh Prasad

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 16-02-2016

Petitioner is aggrieved by the order of the Central Administrative Tribunal, Patna Bench, Patna dated 23.05.2013, passed in O.A. No. 290 of 2013 and M.A. No. 198 of 2013. The Tribunal has dismissed the application in terms of Section 21 of the Administrative Tribunal Act, holding it to be a stale matter.

We have heard learned counsel for the petitioner and agree with the order of the Tribunal. Petitioner claims that he had worked at Danapur Loco Shed under Eastern Railway (now East Central Railway) for four years in between 1990-1994 when the loco

shed was permanently closed down. He has not been paid his wages for the four years nor like others has been readjusted or re-engaged elsewhere in the Railways. He moved the Tribunal in the year 2013 taking the plea that for almost 20 years he has been writing to the authorities. We are clearly of the view that mere representations do not make fresh cause of action nor does it revive a stale or dead cause of action.

For the relief as claimed, surely the application before the Tribunal, was grossly barred by limitation as provided under Section 21 of the Act. The writ application is consequently dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh

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