

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.312 of 2016

In
Civil Writ Jurisdiction Case No. 15563 of 2013

=====

Prabhat Kumar Son of Late Rajendra Prasad The then Divisional Electrical Engineer in the office of Chief Project Manager, Railway Electrification, Hajipur, At present Serving as Divisional Electrical Engineer (Trd), E.C. Railway, Sonpur, Resident of House No. 4M/ 81, Bhootnath Ashram Road Housing Colony, PO - Bahadurpur PS - Agamkuan, District - Patna - 800026 (Bihar) now posted as Divisional Electrical Engineer, Railway Electrification, Danapur at Rajgir, Nalanda (Bihar).

.... Petitioner

Versus

1. The Union of India through the Chairman, Railway Board, New Delhi - 110001.
2. The Member (Electrical) Railway Board, New Delhi - 110001.
3. The General Manager, Central Railway, Mumbai.
4. The Chief Personnel Officer (Electrical), Central Railway, Chhatrapati Shivaji Terminal, Mumbai.
5. The General Manager, East Central Railway, Hajipur, District - Vaishali (Bihar).
6. The Chief Personnel Officer, East Central Railway, Hajipur, District - Vaishali (Bihar).
7. The Chief Electrical Engineer, East Central Railway, Hajipur, District - Vaishali (Bihar).
8. The Deputy Chief Electrical Engineer, East Central Railway, Hajipur District - Vaishali (Bihar).

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Munna Pd Dixit (M.P. Dixit), Advocate
Mr. Sanjay Kumar Choudhary, Advocate

For the Respondent/s : Mr. D.K. Sinha, Sr. Advocate
Mr. Anil Kumar Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

3. 23-02-2017 The review application has been filed by the writ petitioner whose writ petition was dismissed. He had filed the writ petition against the order of the Central Administrative Tribunal, Patna Bench, Patna, whereby his original application was dismissed as barred by limitation.



There was no application even for condonation of delay. This Court, in the writ proceeding, noted the facts and agreed with the finding of the Tribunal. It noted that promotion was denied to the petitioner in the year 2001, he was filing the original application in the year 2004. There was no *bona fide* explanation for the delay.

Learned counsel for the petitioner submits that in view of Section 20 of the Central Administrative Tribunal Act, 1985, it is stipulated that if no order is passed on the representation by a person within six months he would have a right to move the Tribunal.

In our view, that too does not revive a stale claim. The cause of action arose in the year 2001. He allowed the same to become barred by limitation. Application or representation filed four years thereafter cannot revive already dead cause of action.

This review application is, thus, misconceived, and dismissed as such.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajeev/-

U			
---	--	--	--

