

Court No. - 2

Case :- WRIT - A No. - 3420 of 2024

Petitioner :- Pradeep Kumar Sinha And Others

Respondent :- Union Of India Thru. The Chairman Railway Board
Ministry Of Railway , New Delhi And Others

Counsel for Petitioner :- Vijay Kumar Yadav

Counsel for Respondent :- A.S.G.I.

Hon'ble Rajan Roy,J.

Hon'ble Om Prakash Shukla,J.

1. Heard learned counsel for the petitioners and Mr. S.B. Pandey, learned Senior Advocate and Deputy Solicitor General of India assisted by Mr. Varun Pandey, learned counsel for the opposite parties.

2. The petitioners herein claim re-fixation of their seniority over certain other colleagues whose names are mentioned in the relief clause contained in the Joint Application No. 2217 of 2016. This application was filed in 2016 after their retirement. The Tribunal has rejected the Joint Application on the ground; firstly that the parties above whom the seniority has been sought have not been impleaded, secondly the benefit of the judgment dated 07.01.2011 passed in OA No. 621 of 2005 is being sought after filing the application after five years of the said judgment, thirdly the applicants of OA No. 621 of 2005 had been agitating their claim to seniority since 1996 and had earlier filed OA No. 597 of 1996, therefore, they had approached the Tribunal promptly, but the applicants had approached the Tribunal belatedly, fourthly the seniority is being claimed w.e.f. 1982, therefore, the claim is 34 years old. The basis of the dispute is a recruitment done in pursuance of an Advertisement No. 9/1978 for which written examination was held on 29.12.1980. Allegation is that some persons were appointed even without preparation of panel around 1982.

3. The Tribunal has found the application grossly barred by limitation/time. It has referred to various decisions of Hon'ble the Supreme Court regarding stale claims.

4. We asked the counsel for the petitioners to satisfy us as to what is the error factual or legal in the judgment of the Tribunal, but he could not point out any such error.

5. The review application has also been dismissed as

there was no apparent error in the judgment.

6. We are also of the view that the claim, if any, was highly belated and the Tribunal has rightly rejected the claim on the said ground. We do not find any error in the order of review application also.

7. The writ petition is ***dismissed***.

[Om Prakash Shukla, J.] [Rajan Roy, J.]

Order Date :- 2.5.2024

Santosh/-