

Ct.No.1 D/L 13.01.2026
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Saikat
Mukherjee

WP.CT/232/2024

**SRI PRALADH
VS
UNION OF INDIA AND ORS.**

Mr. Prasanta Kr. Pakrashi, Adv.
Mr. Arup Kr. Chatterjee, Adv.
Ms. Afrin Nahar Mondal, Adv.

...For the Petitioner

Per, **Partha Sarathi Sen, J.:-**

1. Affidavit-of-service, as filed on behalf of the writ petitioner, is taken on record.
2. The subject-matter of challenge in the instant writ petition is the order dated 19th April, 2016, as passed by the Central Administrative Tribunal, Kolkata Bench (hereinafter referred to as 'the said tribunal' in short) in O.A. No.1283/2013.
3. By the impugned order, the said tribunal not only rejected the said original application on merits but also noticed that the said original application is hopelessly barred by law of limitation.
4. At the time of hearing, Mr. Pakrashi, learned counsel appearing on behalf of the writ petitioner/original applicant, submits before this court that an appropriate order may be passed while disposing of the instant writ petition by setting aside the impugned order directing the said tribunal to hear the said original application afresh after giving a liberty to the writ petitioner/original

applicant to file an application for condonation of delay in filing the said original application.

5. It is further argued by the learned counsel for the writ petitioner/original applicant that though section 21 of the Administrative Tribunals Act, 1985 (hereinafter referred to as 'the said Act' in short) mandates one year time to file original application from the date of passing of the final order by the authority, however, in a genuine circumstances preventing the original applicant to approach the said tribunal within the period of limitation, the delay as occurred, may be condoned.

6. On being repeatedly asked by us learned counsel on behalf of the writ petitioner/original applicant, however, did not argue anything on merits with regard to the finding arrived at by the said tribunal in the impugned order.

7. For effective adjudication of the instant writ petition, we, at the very outset, propose to look to section 21 of the said Act, which reads thus:-

“21. Limitation.- (1) A Tribunal shall not admit an application, -

(a) in a case where a final order such as is mentioned in clause (a) of sub-section (2) of section 20 has been made in connection with the grievance unless the application is made, within one year from the date on which such final order has been made;

(b) in a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of section 20 has been made and a period of six months had expired thereafter without such final order having been made, within one year from the date of expiry of the said period of six months.

(2)

(3)”

8. Keeping in mind the aforementioned legislative provision, if we look to Page No.32 (Annexure-8 of the writ petition), it

reveals that the order impugned before the said tribunal was passed by the authority on 10th January, 2011. It further reveals from the last line of paragraph-7 of the impugned order that the tribunal has come to a finding that the order impugned before it was passed in 2011, however, the said original application was filed in the year 2013 without any application for condonation of delay.

9. In our considered view, the said finding of the tribunal is perfectly justified inasmuch as the order impugned before the said tribunal was passed on 10th January, 2011, while the original application was filed in the year 2013 and in absence of application of condonation delay, we are not hesitant to hold that the tribunal is very much justified in holding that the said original application is barred by limitation under section 21 of the said Act of 1985.

10. Coming to the factual aspects as involved in the said original application, we have noticed while disposing of the said original application the said tribunal as well as the respondent authorities came to factual findings on perusal of two certificates as produced by the original applicant that the said two certificates bear two different address as of the school and further on close scrutiny of the certificate *vis-à-vis* the letter dated 27th February, 2009, as issued by the Teacher-in-Charge of the school concerned, it revealed that the original applicant got admitted in the said school on 7th January, 1987, in class-VI. However, he did not continue till class-VIII as his name was not found in the class attendance register of the relevant year.

11. At the time of hearing of the instant writ petition, learned counsel for the writ petitioner/original applicant could not substantiate as to why such factual finding is perverse. In our considered view, sitting in a judicial review, we are not supposed to act like an Appellate Court and, therefore, we cannot re-appreciate the evidence as produced before the tribunal only because another view is possible, in absence of any material to show that the order passed by the tribunal suffers from perversity and/or material irregularity.
12. We have noticed that the view taken by the said tribunal is quite plausible one in view of the fact that the said tribunal considered the relevant Railway Board Circular to the effect that once a fake certificate was submitted, no second chance would be given to the incumbent to prevent the spirit of taking chances of submitting false certificate.
13. In view of the discussion made hereinabove, we find no merit in the instant writ petition. Accordingly, the instant writ petition is dismissed.
14. Admission, is, thus, declined.
15. No order as to costs.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)