

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



D.B. Civil Writ Petition No. 14990/2025

Smt. Meena Upadhyaya W/o Late Shri Trilok Chand Gurjar, Aged About 71 Years, R/o 47/742, Kundan Nagar, Ajmer. Group-B, Retired From The Post Of Principal, Rly, English Medium School, Ajmer.

----Petitioner

Versus

1. The General Manager, North Western Railway, Jagatpura, Jaipur.
2. The Divisional Railway Manager, North Western Railway, Divisional Office, Ajmer.
3. The Sr. Divisional Personnel Officer, Ajmer, Divisional Office, North Western Railways, Ajmer.

----Respondents

For Petitioner(s)	:	Mr. Harshad Kapoor
For Respondent(s)	:	Mr. Shivangshu Naval

**HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE ASHOK KUMAR JAIN**

Order

22/04/2026

This writ petition is filed by the petitioner challenging the order dated 31.07.2025 passed by the Central Administrative Tribunal, whereby the original application filed on behalf of the petitioner was dismissed.

Learned counsel for the petitioner submits that the learned Tribunal has wrongly dismissed the original application on the ground of limitation.

Learned counsel for the respondent(s) submits that the petitioner is claiming the benefit of selection grade from the year

1986 and the Tribunal has rightly dismissed the claim on ground of delay.

Heard learned counsel for the parties. Perused the record.

Learned Tribunal while dismissing the original application in para Nos. 11 and 12 held as under:-

"11. The main relief sought for by the applicant is that the respondents be directed to award selection scale to her with effect from 01.04.1986 with all consequential benefits including the pay as well as her pension be revised accordingly and the arrears thereof be given to the applicant. The respondents have taken objection with regard to delay and latches stating that the grant of selection scale is one time cause of action and the applicant stood retired from the service on 30.09.2012. Prior to her retirement, she had preferred representation which was considered and accordingly, letter dated 25.10.2012 (Annexure A/8) was issued, which was noted by the applicant as well on 05.11.2012. Yet she failed to challenge the same within limitation. She, however, preferred further representation followed by legal notice, which neither gives fresh cause of action nor extend limitation.

12. The applicant has filed the present O.A. only in the year 2016 i.e. after about 04 years of her retirement as well as rejection of her claim vide letter dated 25.10.2012 (Annexure A/8). However, she preferred further representation followed by legal notice. It is settled proposition of law that repeated representations or attempts to revive a dead issue are unlikely to overcome the hurdle of delay and latches. The original cause of action arose in the year 1986 i.e. the applicant is claiming the selection w.e.f. 01.04.1986 with all consequential benefits. The principle is that those who sleep on their rights cannot later seek a remedy. The delay is calculated from the original cause of action which in the present case arose in 1986 and which was never agitated by the

applicant except in 2012. The applicant woke only in the year 2012 by way of filing representation(s) claiming the selection scale w.e.f. 01.04.1986. She retired on 30.09.2012. A communication dated 25.10.2012 was made available to her on 05.11.2012. Yet she failed to agitate the matter before this Tribunal. However, she filed the present O.A. only in the year 2016 i.e. on 27.12.2016. Therefore, we are of the view that the present Original Application is highly barred by limitation. She, however, preferred further representation followed by legal notice, which neither gives fresh cause of action nor extend limitation.”

Having perused the judgment of learned Tribunal, we are of the view that the petitioner has failed to claim the benefit of selection scale at the relevant point of time i.e. in the year 1986 and she has filed the original application in the year 2016, which is after a delay of 30 years from the date of original claim.

In that view of the matter, this writ petition is dismissed.

Pending application, if any, stands disposed of.

(ASHOK KUMAR JAIN),J

(INDERJEET SINGH),J