

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 1089 OF 2006

RAMKRISHNA

Appellant (s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

Date: 21/09/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE ANIL R. DAVE

For Appellant(s) Mr. T.N. Singh,Adv.

For Respondent(s) Mr. Ashok Bhan, Sr. Adv.
Mr. Mukesh Verma, Adv.
Ms. Shweta Verma, Adv.
Mr. Arvind K. Sharma, Adv.
Mr. Shreekant N. Terdal,Adv.

UPON hearing counsel the Court made the following
O R D E R

The appeal is dismissed, leaving the parties to bear their own costs.

[Charanjeet Kaur]
Court Master

[Kusum Gulati]
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1089 OF 2006

Ramkrishna

.. Appellant(s)

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O R D E R

This appeal, by special leave, is directed against final order dated 10th February, 2004 passed by the High Court of Judicature at Mumbai, Nagpur Bench, dismissing the review application [M.C.A. No. 434 of 2003 (Review)], preferred by the appellant against final order, dated 2nd September, 2003 in W.P. No. 1150 of 2002, affirming the order passed by the Central Administrative Tribunal, Mumbai Bench (for short, "the Tribunal").

The controversy which gave rise to the writ petition and thereafter the review application was whether or not the Tribunal was justified in declining to condone the delay of approximately two years in filing original application No. 2079/2001?

The appellant superannuated from Railway service on 20th April, 1988. It seems that after his retirement, he wanted to continue to occupy the official accommodation. His request to do so having been rejected, he filed an

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application before the Industrial-cum-Labour court on 22nd February, 1991 under Section 33C(2) of the Industrial Disputes Act, 1947. The application came to be rejected on 23rd September, 1999 on the ground that the claim of the appellant was not maintainable. Being aggrieved, the appellant filed original application No. 2079 of 2001 before the Tribunal on 10th May, 2001, with an application praying for condonation of delay in preferring the same.

The Tribunal vide order dated 26th June, 2001, declined to condone the delay. The Tribunal held that no valid reason had been assigned for not approaching it within a reasonable time.

The appellant carried the matter to the High Court by way of a writ petition, but, without any success. Being dissatisfied, the appellant filed the review application. As stated above, the review application has also been dismissed by the High Court. Hence, this appeal.

In the review application it was pleaded that since the original application before the Tribunal had been filed within a period of one and half years of the rejection of the application by the Industrial Tribunal, the same was within the period of limitation as prescribed under clause (b) of sub-Section (2) of Section 20 of the Administrative Tribunals Act, 1985. It was argued that under the said

provisions, the period of limitation has to be reckoned from the date of rejection of application/petition by the authority concerned. The High Court has rejected the plea, and in our opinion rightly so, on the ground that the said provision comes into play only when an order is passed by the government or an authority etc., which is competent to pass such an order. The High Court held as follows :

"However, in view of the facts and circumstances of the present case, these provisions are not attracted at all since applicant was canvassing his grievance before wrong forum, i.e. Central Government Industrial Tribunal-cum-Labour Court, which was not at all competent to consider the grievance of the applicant. Similar is the analogy in respect of clause (b) of Section 21(1) of the Act as well as clause (b) of Section 20(2) of the Act and, therefore, contention canvassed by the learned counsel that original application before the Tribunal was within the period of one and half years is misconceived and cannot be accepted."

We are in complete agreement with the interpretation placed by the High Court on the said provisions. In this view of the matter we do not find any infirmity in the impugned order warranting our interference. The appeal, being bereft of any merit, is dismissed accordingly, leaving the parties to bear their own costs.

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[D.K. JAIN, J.]

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[ANIL R. DAVE, J.]

NEW DELHI,
SEPTEMBER 21, 2011.