

(2025) 12 CAT CK 0003

Central Administrative Tribunal**Case No:** Miscellaneous Application No. 260, 00031 Of 2025 (Arising Out Of Original Application No. 260, 00035 Of 2025)

Sachidananda Singh

APPELLANT

Vs

Union At India & Ors

RESPONDENT

Date of Decision: Dec. 3, 2025**Acts Referred:**

- Constitution Of India, 1950 - Article 16

Hon'ble Judges: Sudhi Ranjan Mishra, Member (J); Pramod Kumar Das, Member (A)**Bench:** Division Bench**Advocate:** S.K. Mohapatra, A.C. Deo**Final Decision:** Dismissed

Judgement

Sudhi Ranjan Mishra, Member (J)

1. According to the applicant, he was initially appointed as a Track Man under the respondents on 17.10.2012 at Sambalpur. While continuing as such in the said post of Track Man was renamed as Track Maintainer in the year 2018. Earlier applicant had approached this Bench by filing O.A. No. 852/2010 which was disposed of vide order dated 29.01.2020 without expressing any opinion on merits of the case, giving liberty to the applicant to submit a detailed representation before respondent No.2, enclosing copy of the documents relied upon by him within 10 days of receipt of copy of this order and if his representation is received by the respondent within the time as stipulated, the respondent No.2/competent authority to consider and dispose of the same by passing a speaking and reasoned order. In obedience to the above order of this Bench, representation of the applicant was considered but rejected vide order dated 13.02.2020(A/5). After a lapse of near about 05 years he has filed the instant O.A. No.35/2025 on 24.12.2024 accompanied with M.A. No.31/2025 seeking to condone the delay. The prayer in the O.A. is as under:-

“(i) To quash the order dt.13.02.2020 under Annexure-5 and

(ii) Issue necessary direction to the Respondents for selection of Applicant in the post of Goods Guard as per the GDCE-2015 as he has secured more mark than the cut off mark published on 05.12.2018.”

2. The grounds taken in the M.A. No.31/2025 seeking to condone the delay are as under :

“2. That the petitioner has good grounds to succeed in the aforesaid Original Application. The facts and grounds pleaded in the aforesaid Original Application may be treated as part and parcel to this Petition to avoid repetition.

3) That after receiving the order of this Hon'ble Tribunal the petitioner submitted his representation on 03/02/2020 and after considering the authority rejected the same on the ground that the petitioner is not coming within the zone of consideration.

4) That the said order dt. 13/02/2020 was duly received by the petitioner and after receiving the same he contacted a lawyer at Sambalpur to prefer an application against that order before this Hon'ble Tribunal. By the time the govt. declared shut down/lock down due to ongoing Pandemic Covid-19, for which the concerned failed to file the same.

5) That after situation was normalised the petitioner tried to contact the said lawyer but got information about his death. The petitioner has tried his level best to get his documents back but failed. However, with much difficulties he got the new address of the advocate and get back the documents recently in the month of October and contacted the lawyer at Cuttack and filed the present application.

6) That under the above situation some delay has been occurred in filing of this Original Application which is neither deliberate or intentional but due to the unavoidable circumstances.

7) That in view of the above if the delay occurred in filing the Original Application shall not be condoned the petitioner shall suffer irreparable loss and injury.”

3. Respondents have filed their reply/objection to the above M.A. contesting and objecting the grievance of the applicant on merit so also the question of very maintainability of this O.A. on the ground of delay and latches. Earlier applicant had filed the O.A. No. 852/2019 wherein this Bench while disposing the O.A. vide order dated 29.01.2020 at the time of admission without expressing any opinion on merits of the case, giving liberty to applicant to submit a detailed representation before Respondent No. 2, enclosing copy of the documents relied upon by him within 10 days of receipt of copy this order and if his representation is received by the Respondent with the time as stipulated above, directed the Respondent No.2/Competent Authority (Chairman/RRC) to consider the same and pass a Speaking and reasoned order. It is submitted that applicant's representation was received on 03.02.2020, after considering the said representation; the same was rejected having no merit. The same was communicated to the applicant vide Speaking Order dated: 13.02.2020 in compliance of the order dated 29.01.2020 in OA No. 852/2019 passed by this Bench.

4. It is the case of the respondents that being aggrieved by the rejection, the applicant has now approached this Bench in the present O.A. No. 35/2025 praying for quashing the rejection order and direction for his appointment as Goods Guard under GDCE-2015. The applicant has also raised constitutional and procedural grounds, alleging violation of Article-16 and deviation from the Recruitment norms.

5. According to respondents applicant's case is that COVID-19 Pandemic stood as a bar to approach this Bench is not correct. The lockdown and its related restrictions had effectively ended well before the relevant period and normalcy had resumed by 31.03.2022, and hence this plea of the applicant is baseless and to fetch his personal gain only. Accordingly, respondents have prayed for dismissal of M.A. 31/2025.

6. We have heard learned counsel for the parties. Perused the materials placed on record.

7. We find that the prayer of the applicant was rejected on 13.02.2020. Whereas he has filed this O.A. on 24.12.2024 i.e. after a lapse of more than 05 years possibly because to avoid attraction of the provision of law of limitation.

8. According to the applicant even though his prayer was rejected vide order dated 13.02.2020, non-regularization of his service being a continuing cause of action, delay in filing of the O.A. needs to be condoned. In this regard, it is noted that what is continuing cause of action has already been defined by the Hon'ble Apex Court in the case of **M. Siddiq (Ram Janmabhumi Temple-5 J.) v. Suresh Das, (2020) 1 SCC 1**, wherein it has been held that the mere fact that the effect of the injury caused has continued, is not sufficient to constitute it as a continuing wrong. For instance, when the wrong is complete as a result of the act or omission which is complained of, no continuing wrong arises even though the effect or damage that is sustained may ensure in the future. What makes a wrong, a wrong of a continuing nature is the breach of a duty which has not ceased but which continues to subsist. Hence, this submission of the applicant is held not good.

9. Similar matters came up before this Bench in a series of cases such as O.A. No344 of 2018 disposed of on 25.11.2025 and others. This Bench dismissed the mater on delay and laches.

10. The ground assigned by the applicant in the M.A. does not sound to appeal to exercise discretionary power so as to give a relief to dead/stale claim. We do not also find any reason to deviate from the view already taken in the aforesaid case cited above.

In view of the above position and under the facts and circumstances of the case, the M.A. No.31/2025 is dismissed. Resultantly, the O.A. stands dismissed. Pending M.As if any, is accordingly dismissed. No costs.