

SUPREME COURT OF INDIA

Md. Aziz Alam

Vs.

Union of India (Uoi)

(G.B. Pattanaik and U.C. Banerjee JJ.)

19.07.2000

ORDER

1. This appeal is directed against an order of the Central Administrative Tribunal, Calcutta Bench, dismissing the claim of the appellants. The appellants applied for certain posts under the Railway Administration in the year 1984 and took up the written examination as well as the viva voce examination in the year 1985. But, as the results were not declared and no merit list was published, they approached the Tribunal by filing O.A. No. 1004/88. That application before the Tribunal was dismissed on the ground that the appellants did not approach the Tribunal within the period stipulated under the Act. Against the said order, the appellants approached this Court by filing S.L. P. No. 1707/90 and this Court by order dated 3.12.1990, refused to grant special leave and, therefore, so far as the appellants are concerned, the matter reached a finality. It transpires that some other similarly situated persons like the appellants had filed application before the Tribunal in the year 1989 and that application was allowed by the Tribunal with certain observations in the year 1990. Because of such order of the Tribunal, the appellants were emboldened to file a fresh application before the Tribunal which was registered as O.A. No. 899/92 seeking the relief that the benefits which have been given to the similarly situated persons pursuant to the order of the Tribunal dated 4.12.1990, should be given to them. This application of the appellants which was registered as O.A. No. 899/ 92 was dismissed by the Tribunal by the impugned order on the ground of limitation and hence the present appeal.

2. It is contended by the learned Counsel for the appellants that the disposal of O.A. No. 327/89 by the Tribunal filed by some other applicants gives a fresh cause of action to these appellants as they were similarly situated and therefore, the Tribunal committed error in refusing the relief sought for, on the ground of limitation. According to the learned Counsel, there is no justifiable reason to deny the relief to these appellants when similar relief has been given to some others who also did take the recruitment test along with the appellants in the year 1985, as already stated. We are unable to persuade ourselves to agree with this contention raised by the learned Counsel appearing for the appellants, inasmuch as the appellants did approach the Tribunal way back in the year 1988 and being unsuccessful there, did approach this Court and this Court declined to grant special leave in the year 1990 and, therefore, so far as the question of appellants' right of consideration to the post applied for has become final and would not be reopened merely on the ground that in some other matters filed at the behest of some similarly situated persons, the Tribunal or a Court has granted some relief. That apart, more than 15 years have elapsed from the date on which the appellants

claim to have taken the test in question.

3. In these circumstances, we decline to interfere with the direction of the Tribunal. This appeal accordingly fails and is dismissed.