



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

CWP-22568-2018 (O&M)  
Date of decision:- 08.07.2025

Sumit Kumar and others

...Petitioner(s)

Versus

Union of India and others

...Respondent(s)

**CORAM:**      **HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE SANJIV BERRY**

Present:-      Mr. Karnail Singh, Advocate,  
for the petitioners.

Mr. Pankaj Gupta, Senior Panel Counsel (Union of India),  
for respondents No. 1 & 2.

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**SHEEL NAGU, C.J. (ORAL)**

1.            The present petition filed under Article 226 read with Article 227 of the Constitution of India assails the final order dated 28.03.2018 passed by Central Administrative Tribunal, Chandigarh Bench dismissing OA No. 060/01016/2016, where the petitioners raised claim for being absorbed into Group 'D' post under Northern Railway.
2.            The aforesaid claim before the Tribunal had been rejected essentially for being time barred on the anvil of Section 21 read with Section 20 of the Administrative Tribunal Act, 1985 (in short the 'Act').
3.            The essential facts for deciding the present case are that the cause of action to the petitioners arose on 20.09.2012 when they were informed that they were medically unfit to be absorbed in Group 'D' posts.

4. It is contended by the petitioners that they made certain representation(s) immediately thereafter. However, the petitioners allowed the limitation period of six months (awaiting the decision on their representation(s) plus (12 months for approaching the Tribunal) to elapse. Legal notice was issued by the petitioners as late as on 18.02.2016 when the period of limitation had expired long time back in 2013 itself.

5. The Tribunal, therefore, dismissed the claim of the petitioners to be time barred which appears to be an order passed in line with settled principle of law as the cause of action raised before a Tribunal, which is a creature of the statute i.e. Administrative Tribunal Act, 1985, is to be so raised within the parameters set by the said Act of 1985 and since the period of limitation prescribed under section 21 had already expired before the petitioners approached the Tribunal, no fault can be found with the impugned order of Tribunal.

6. However, it is noticed from the record that the Tribunal did not afford any opportunity to the petitioners to make an application seeking condonation of delay in terms of the enabling provision under Section 21(3) of the Act where if the person aggrieved, approaching the Tribunal, demonstrates sufficient cause for not making the application within the period prescribed under Section 21, a claim or the cause of action which is otherwise barred by limitation can very well be entertained. In all fairness, the Tribunal ought to have afforded opportunity to the petitioners who are said to be persons of meager means to prefer an application under Section 21(3) of Act of 1985.

7. This Court also finds it to be a little strange that the Tribunal once having held that the claim is time barred proceeded to dwell upon the merits of the cause of action. This was not the correct course of action. If the claim was

time barred, then the Tribunal ought to have dismissed the claim on that ground alone without entering into merits.

8. In view of the above discussion, we find that the matter needs to be considered by the Tribunal by affording an opportunity to the petitioners to file an application under Section 21(3) of the Act of 1985 which, if filed within a period of 30 days alongwith copy of this order, shall be entertained and decided on its own merits in accordance with law.

9. We hasten to add that we have made no comments on the merits of the claim of petitioners as regards their absorption into Group 'D' post and the Tribunal is free to pass appropriate orders on the Section 21(3) application without being influenced by the passing of this order or the petitioners having approached this Court.

10. The petition stands disposed of in the terms aforesaid.

11. Consequently, all the miscellaneous applications also stand disposed of.

**(SHEEL NAGU)**  
**CHIEF JUSTICE**

**(SANJIV BERRY)**  
**JUDGE**

**08.07.2025**

Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No