

(6) (4)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 3021/2001

New Delhi, this the 7th day of February, 2002

Hon'ble Shri Govindan S.Tampi, Member (A)

Ravinder Kumar
S/o Late Shri Panna Lal
R/o RZ-204-A,
Gali No.Saad Nagar, Palam Colony
New Delhi - 45.

...Applicant
(By Advocate Dr. V.P.Sharma 'Trikha')

V E R S U S

The Director
National Physical Laboratory
K.S.Krishnan Marg
New Delhi - 110 060.

...Respondents
(By Shri J.K.Singh, SO with
Shri M.K.Gupta, Asstt.)

O R D E R (ORAL)

By Hon'ble Shri Govindan S.Tampi,

Applicant in this case seeks his re-absorption as Pump Operator in the respondents' organisation with all consequential benefits.

2. Heard both the parties.

3. The applicant in this case states that he had completed 293 days, including 207 days from 5-6-1989 to 31-12-1989, it comes to 207 days. His services were dispensed with on 29-6-1990. It was further learnt by him that some others who had lesser periods of service had been re-engaged by the respondents. The applicant is in need of employment to look after his family and having worked earlier feels that he is entitled for re-engagement. His representations and legal notice had not evoked any favourable response and, therefore, he had to approach the Tribunal, pleads he.

4. The grounds raised by him in the OA are that his engagement as Casual Labourer was ordered

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after completion of necessary formalities and he had performed satisfactorily in the respondents' organisation. It is a settled law that an ad-hoc or temporary employee cannot be replaced by another ad-hoc or temporary employee, as lay down in the case of State of Haryana Vs. Piara Singh (1992 (4) SCC 118) The respondents had verbally assured him after his dis-engagement that he will be taken back, but nothing has happened. The Tribunal should, therefore, intervene in the matter and render him justice, according to the learned counsel for the applicant.

5. Representatives of the respondents' organisation state that the applicant had not made out any case for his re-engagement and was only attempting to seek his re-engagement at this very late stage by approaching the Tribunal. His case, therefore, does not deserve any consideration, according to them.

6. On carefully deliberating on the points raised in the OA and those raised during the oral submissions, I am convinced that the applicant has come to the Tribunal with the request which is too late in the day. True it is that the applicant had been engaged as a Pump Operator during 1989-90 for 293 days but after his dis-engagement in 1990, he has been sleeping over his right and has come up only just now, seeking Tribunal's intervention to help him in his cause. This cannot be helped, as the law is for the vigilant and not who sleeps over his right for an inordinately long time. By his inaction and delay, the applicant had forfeited his right of consideration. As he had not crossed the preliminary stage of maintainability, his OA being hopelessly time barred in terms of Section 21 of the Administrative

Tribunals Act, 1985, I do not have to examine its merit at all.

7. In the circumstances, OA fails as being hit by limitation and is accordingly dismissed. No costs.

8. The operative portion of this order was pronounced in the open Court.

(GOVINDAN S.TAMPI)
MEMBER (A)

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