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Central Administrative Tribunal
Principal Bench: New Delhi

O.A. NO. 743/2001

New Delhi this the 26th day of February 2002

Hon'ble Dr. A. Vedavalli, Member (J)

Indra Mohan Yadav,
S/o Shri Om Singh.
R/o Village Pastore,
Post Office Kira District Rampur,
Uttar Pradesh. Applicant
(By Advocate: Ms. Meenashki, Proxy Counsel for Mrs.
Rani Chhabra)

Versus

1. Union of India,
through its Secretary,
Ministry of Communications,
Department of Telecommunications,
Sanchar Bhawan, Ashoka Road,
New Delhi.
2. The Chief General Manager (West)
Department of Telecommunications,
Dehradun.
3. The General Manager,
Department of Telecommunications,
Dehradun.
4. The Sub Divisional Officer,
Department of Telecommunications,
Rampur. Respondents
(By Advocate: Shri Rajiv Sharma, Proxy for Shri M.M.
Sudan)

O R D E R (Oral)

Hon'ble Dr. A. Vedavalli, Member (J)

The applicant, Indra Mohan Yadav who was working as a Casual Labourer under the respondents for sometime is aggrieved by the non conferment of temporary status upon him and also by his disengagement by a verbal order.

2. Heard the learned proxy counsel for the applicant Ms.Meenashki for Mrs.Rani Chhabra and Shri Rajiv Sharma, Proxy counsel for Shri M.M.Sudan for the respondents.

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3. The pleadings and the material documents and papers placed on record have been pursued. Matter has been considered carefully.

As per the submissions made in the counter by the respondents, the applicant was engaged as a casual labourer and worked from May 1989 to July 1989 (80 days), January 1990 to December 1990 (85 days) and January 1991 to November 1991 (120 days). He was disengaged by a verbal order in 1991. The applicant has filed the present OA on 14.3.2001 claiming the following reliefs:

- a) quash the oral order of disengagement of the applicant disengaging him w.e.f. December 1991 passed by respondents.
- b) direct the respondents to re-instate the applicant with full back wages and continuous of service;
- c) to further direct the respondents to confer temporary status upon the applicant w.e.f. he become eligible for same.
- d) pass such other and/or further orders as this Hon'ble Court may deem fit and proper under the circumstances of the present case.

3. When the matter came up for hearing today, learned proxy counsel for respondents counsel Shri Rajiv Sharma raised a preliminary objection relating to limitation. He submitted that as the applicant was disengaged in November 1991 and this OA was filed after a lapse of nearly ten years after his termination, the same is barred by limitation and hence is not maintainable.

AN

4. The applicant has not made any submissions in the OA as to why he did not approach the respondents/competent judicial forum regarding the redressal of his grievances in December/November, 1991 when his cause of action arose due to the termination of his services by the respondents. In spite of the sufficient opportunities given to the applicant, no rejoinder has been filed by the applicant in reply to the counter filed by the respondents wherein this objection regarding limitation was taken by the respondents. The applicant has not bothered to file even an application for condonation of delay in filing the OA.

5. In view of the above facts and circumstances and in the light of the well settled legal position as laid down by the Apex Court in a catena of cases including the decisions in Ratam Chandra Sammanta & Ors. Vs. Union of India & Ors (JT 1993 (3) SC 418) and Secretary to Govt. of India & Ors. Vs. Shivram Mahadu Gaikwad (1995 (Supp 3) SCC 231), I am of the view that this present OA is hopelessly time barred under Section 21 of the Administrative Tribunals Act, 1985 and is not maintainable.

6. In the result the OA is dismissed on the ground of limitation. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

Mittal