

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1152/99

New Delhi this the 28th day of March 2000.

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

Shri Pradip Kumar,
S/o Sh. Mehar Chand,
Vill. & P.O. Dhankot,
Distt. Gurgaon. Applicant

(through Sh. Inderjeet Singh, proxy for Sh. N.C.
Chaturvedi, Advocate)

versus

1. Union of India through
the Secretary,
Ministry of Defence,
New Delhi.
2. Chief of the Air Staff,
Air Headquarters,
New Delhi.
3. Officer Commanding,
No.54 ASP, Air Force,
Gurgaon. Respondents

(through Sh. Deepak Verma, proxy for Sh. Mohar Singh,
Advocate)

ORDER(ORAL)

The applicant, Pradip Kumar, was engaged as a casual labourer by the respondents on 03.04.97. He states that he was disengaged from service on 31.12.98. He is seeking in this O.A. a direction to the respondents to grant him temporary status with effect from the date of completion of 240 days ignoring technical breaks, if any, and also his regularisation against a Group-D post.

2. The applicant claims that he submitted a representation regarding the aforesaid grievances to the respondents on 06.07.98 i.e. while still in

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service and that there was no response to the said representation and hence he has filed the present O.A.

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3. The respondents have contested the O.A.. They have raised a preliminary objection relating to limitation. They have contended that the aforesaid representation dated 06.07.98 claimed to have been submitted by the applicant has never been received by them. They have further submitted that the applicant was being engaged from 03.04.97 as and when required and the last time he was engaged was on 24.03.98 as per official records. They have contended that the O.A. is, therefore, barred by limitation under Section 21 of the Administrative Tribunals Act, 1985.

4. In reply to the said objection as to limitation raised by the respondents the applicant submitted that his representation dated 06.07.98 was submitted to the respondent under certificate of posting and hence the plea taken by them as to limitation is not correct and is liable to be rejected.

5. It is seen that as per the respondents submission itself the applicant was last engaged on 24.03.98 and there is no specific statement as to the date on which he was disengaged. While so, the O.A. was filed on 10.03.99. They have not given any submissions clearly as to how the O.A. is barred by

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limitation under the aforesaid provision of
Administrative Tribunals Act. In the circumstances,
I am of the view that the objection taken by the
respondents as to the O.A. being barred by
limitation is neither specific nor clear. Hence, the
said objection is untenable in the eyes of law and is
over-ruled.

6. Coming to the merits of the case it is noticed that neither the applicant nor the respondents have given any specific details and also precise factual information as to the actual dates of engagement/disengagement and the total number of days for which the applicant had worked with the respondents as a casual labourer. No documents have been filed by the respondents alongwith their counter reply regarding the said factual position. Even the applicant has not filed any documents regarding the said factual data. The applicant by his own admission is no longer in service, Further, he has not sought any relief in the O.A. as to his re-engagement. In this situation, I am of the view that the applicant has not been able to establish the violation of any of his vested legal rights by the respondents and the relief sought by the applicant in this O.A. is not capable of being granted. The O.A. is therefore dismissed as being devoid of any merit. However, keeping in view that the applicant is a

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casual labourer and in the interests of justice, following directions are given:-

(1b)

(a) The applicant is given the liberty to submit a comprehensive and self contained representation regarding his grievances mentioned in this O.A. to the respondents, if so advised, within one month from the date of receipt of a copy of this order.

(b) In the event of such a representation being submitted by the applicant within the time mentioned above, the respondents should examine the same on its merits in the light of the relevant rules and instructions after a thorough scrutiny of all the relevant official records and dispose of the same with a detailed and speaking order in accordance with law and communicate the same to the applicant within two months from the date of receipt of the said representation.

7. The O.A. is disposed of in terms of Para-6 above. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member(J)

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