

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

- 1A -

OA 303/99

New Delhi this the 10th day of April, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Bhopal Singh
S/O Sri Braham Das
R/O Indergarhi, Asdhyaatmic Nagar,
Ghaziabad.

.. Applicant

(By Advocate Ms. Richa Goyal)

Versus

1. Union of India
through its Secretary,
Ministry of Finance,
Department of Revenue,
Central Board of Excise and Customs,
Delhi.

2. Commissioner I
Customs and Central Excise (Northern U.P.),
Commissionerate, Meerut.

3. The Additional Commissioner
Customs and Central Excise
C.G.No.2, Kamla Nehru Nagar,
Meerut.

4. Assistant Commissioner
Division II
Customs and Central Excise,
C.G.No.2 Kamla Nehru Nagar,
Ghaziabad.

.. Respondents

(By Advocate Sh. V.S.R. Krishna)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

This application has been filed by the applicant claiming certain benefits, including a direction to the respondents to re-engage him as casual labourer in preference to juniors and outsiders. According to the applicant he had worked as casual labourer with the respondents from 1-5-93 to 3-3-95. According to him, he had been illegally terminated from service as casual labourer by an Oral order of that date.

2. This OA has been filed on 16.12.1998 along with the petition for transfer (P.T. 262/98) with MA 2650/98. That PT was allowed by order dated 5.2.99 permitting the OA to be retained in the Principal Bench and to be listed for admission as per rules. Thereafter the application has been numbered

16

as OA 303/99. In spite of notices having been issued to the respondents, no reply has been filed by them but I have heard Shri V.S.R. Krishna, learned counsel.

3. From the facts mentioned above, it is seen that although the applicant claims that he has been terminated by an oral order as casual labourer w.e.f. 3.3.95 but he has filed this OA only in December, 1998 i.e. after a lapse of more than 3½ years. This delay has not ^{been} even been explained satisfactorily under the provisions of Section 21(3) of the Administrative Tribunals Act, 1985 and not even an MA praying for condonation of delay with reasons has been filed by the applicant along with the OA. Shri V.S.R. Krishna, learned counsel, has further submitted that apart from the fact that the OA is highly belated and barred by limitation, according to their records, the applicant has worked with them only upto April, 1994. He submits that the applicant has, therefore, even not completed requisite number of 206 days of service in a year as laid down in the DOP&T Scheme dated 10.9.93. For these reasons, the learned counsel has prayed that the OA is not maintainable both on the grounds of limitation and merit. I find force in the submissions made by the learned counsel for the respondents and nothing is placed on record to refute the same by the applicant.

4. In the above facts and circumstances of the case, the OA is dismissed both on the grounds of limitation and merit. No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

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