

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No. 1958/1998

Hon'ble Shri R.K. Aahooja, Member(A)

New Delhi, this the 4th day of May, 1999

1. Shri Kamal Paswan
S/o Shri Roop Lal Paswan
R/o I-145, Chirya Colony
I.A.R.I., Pusa, N. Delhi
2. Shri Ramji Paswan
S/o Shri Kishori Paswan
R/o I-295, Chirya Colony
I.A.R.I., Pusa, N. Delhi
3. Shri Nand Kishore Choudhary
S/o Shri Ram Piarey Choudhary
R/o 909, Krishi Kunj
Inderpuri, New Delhi
4. Shri Surender Pal
S/o Shri Sita Ram
R/o A-4, Inderpuri
New Delhi
5. Shri Nathuni Paswan
S/o Shri Sarju Paswan
R/o I-295, I.A.R.I.
PUSA, New Delhi 110 012
6. Shri Ram Chander Sah
S/o Shri Sukh Dev Sah
R/o I-23, Krishi Kunj
Inderpuri, New Delhi 110 012
7. Shri Singeshwar Paswan
S/o Shri Nathuni Paswan
R/o 205, Chirya Colony
I.A.R.I. PUSA
New Delhi 110 012
8. Shri Jashi Lal Paswan
S/o Shri Chaalitar Paswan
R/o 199, Chirya Colony
I.A.R.I., PUSA
New Delhi
9. Shri Rama Paswan
S/o Shri Mishri paswan
R/o I-195, Chirya Colony
I.A.R.I., PUSA
New Delhi
10. Shri Rakesh Chandra
S/o Shri Bhagat Ram
R/o 340, Type-II
Krishi Kunj, Inderpuri
New Delhi 110 012

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11. Shri Surinder Paswan
 S/o Shri Hanuman Paswan
 R/o DMS Colony, Qr. No.14/207
 Hari Nagar, Ghanta Ghar
 New Delhi 110 064

12. Shri Bhushan Kumar
 S/o Shri Bhushan Kumar
 R/o I-82, Pusa Campus
 New Delhi 110 012

13. Shri Ramesh Kumar
 S/o Shri Narain Mahto
 R/o I-16, Krishi Kunj
 I.A.R.I., Pusa
 New Delhi 110 12

.... Applicants

(By Advocate: Shri Ashok Agarwal)

Versus

1. M/s Indian Council of Agricultural Research,
 Krishi Bhawan
 New Delhi - through Secretary

2. M/s Indian Agricultural Research Institute
 PUSA
 New Delhi - 110 012
 - through Director

... Respondents

(By Advocate: Ms. Geetanjali)

O R D E R

The applicants, 13 in number, claim that they have worked as Class IV daily rated workers with the respondents, the Indian Council of Agricultural Research, when they were retrenched from service even though the respondents had work of perennial nature available with them. They submit that they have come to know recently that several persons junior to them in service have been employed on a regular basis without considering the case of the applicants. It has also come to their knowledge that the respondents have also prepared a seniority list wherein names of the applicants were left out arbitrarily. The applicants cite the case of Umesh Paswan in O.A. No. 1440/97 seeking similar reliefs. The Tribunal therein had decided that the name of the applicant be

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included in the seniority list and that he be reengaged subject to availability of work thereafter.

On the strength of the decision of this Tribunal in O.A. No.1440/1997 the applicants claim a similar relief.

2. The respondents in their reply have stated that the applications for inclusion in the seniority list were to be submitted on or before 30.9.1993. Since the applicants failed to apply in time, they are barred by limitation to seek any relief on the basis that some of their juniors whose names were included in the seniority list have already been regularised.

3. I find that the orders of this Tribunal in O.A. No.1440/1997 were made on 16.3.1997. On the other hand, all the applicants have made their representations to respondents on 10.9.1998. It has been held by the Supreme Court in Bhoop Singh Vs. Union of India (JT 1992 883 SC 332) that the judgment and orders of the Court in other cases do not give a cause of action and that cause of action has to be reckoned from the actual date. The applications for inclusion of names in the seniority list were to be made in 1993. There is no assertion that such an application was made by any of the applicants in this O.A. in time. The case rests only on the decision of this Tribunal in O.A. No.1440/1997, which was decided on 16.3.1998. The decision in the case of Umesh Paswan was in the facts and circumstances of the case. The decision therein cannot be said to

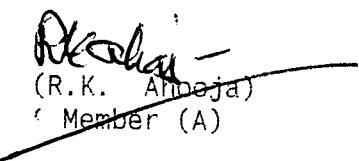
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have laid down the principle that the applications for inclusion in the seniority list can be made at any time and that the respondents are bound to accept such applications for inclusion in the seniority list, even if at the bottom of the seniority list. It has also been held in State of Karnataka Vs. S.N. Kotrayya 1996 (6) SCC 267 that filing of a case immediately after coming to know of a similar relief granted by Tribunal is not a proper explanation of delay.

4. In view of the above discussion, I find that the applicants are barred now from agitating the non-inclusion of their names in the seniority list prepared in 1993. The O.A. is, therefore, dismissed.


(R.K. Ahuja)
Member (A)

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