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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2040/98

New Delhi, this the 3rd day of May, 2000.

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Gopal Singh Bisht, S/O Sri Khushal Singh  
Bisht, R/O L-414, Gali No.7, Sangam  
Vihar, Budh Bazar, New Delhi-62.

.....Applicant.

(By Advocate: Mrs. Rani Chhabra)

VERSUS

1. Union of India, through its  
Secretary, Ministry of  
Communications, Department of  
Telecommunication, Sanchar  
Bhawan, New Delhi.
2. The Chief General Manager,  
Telecom West, Deptt. of  
Telecommunications, Dehradun
3. General Manager, Telecom, Deptt.  
of Telecommunications, Meerut.
4. Divisional Engineer  
(Administrative) Deptt. of  
Telecommunications, Meerut.
5. Assistant Engineer, Cross-Bar  
Maintenance, Deptt. of Telecom,  
Meerut - 252 002.

...Respondents.

(By Advocate: Mr. V.S.R.Krishna)

O R D E R (ORAL)

By Hon'ble Mrs. Lakshmi Swaminathan, Member (J):

The applicant submits that he had worked as a casual labourer and had been granted temporary status on 6.2.90 by the respondents, <sup>He is</sup> is aggrieved by the action of the respondents in not reinstating him in service and regularising him in service in accordance with the relevant Scheme issued by the respondents.

2. The brief facts of the case are that the applicant had been engaged by the respondents in June, 1983. They had also granted him temporary status w.e.f.

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6.2.90. According to Smt. Rani Chhabra, learned counsel, the applicant fell sick and after recovering from his illness, he approached the respondents in July, 1996 for assuming his duties but he was not assigned any duties. The applicant states that he had submitted a letter to the respondents in August, 1991 (Annexure A-4) informing them about his sickness. This, however, has been denied by the respondents, who have in their reply submitted that the applicant was last seen in the office in August, 91, and he left the headquarter without intimation & permission to leave the station and he never informed about his whereabouts from August, 91 to July, 1996.

3. According to the applicant's own averments, he has recovered from the illness which he states he was suffering<sup>18</sup> from August, 91 to July, 96. This OA has been filed on 15.10.98. The contention of the learned counsel for applicant that in the meantime, the applicant had been repeatedly making representations to the respondents to re-instate him in service, will not assist him in the light of Hon'ble Supreme Court's judgement in the case of S.S. Rathore Vs. State of Madhya Pradesh, (AIR (1990) SC 10). However, in this case, it is relevant to note that the applicant had put in, even according to the respondents' own version, about seven years service prior to August, 91 and he had already been granted Temporary status in February, 90.

4. Taking into account the facts and circumstances of the case, the OA has to be dismissed on the ground of

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(3)

limitation under Section 21 of the Administrative Tribunal's Act, 1985.

5. However, in spite of the above order <sup>18/</sup> ~~but~~ taking into account the fact that the applicant is a lowly paid casual labourer <sup>18/</sup> ~~and~~ who has prior to August, 91 rendered about eight years service with the respondents, this order may not be held against him in case the respondents find him otherwise suitable for re-engagement as a casual labour with temporary status, in case of availability of work with them.

6. The OA is disposed of as above. No order as to costs.

*Lakshmi Swaminathan*

(Mrs. Lakshmi Swaminathan)  
Member (J)

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