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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No.2466/98

HON'BLE SHRI R.K .AHOOJA, MEMBER (A)

New Delhi, this the 25th day of October, 1999

Shri Chander Sekhar Rai
S/o Shri Ram Assis Rai
R/o I-124, Krishi Kunj
Pusa, New Delhi

....Applicant.

(By Advocate: Shri S.L. Hans)

Versus

1. Union of India
through Secretary
Indian Council of Agricultural Research
Krishi Bhavan, New Delhi-1
2. Senior Administrative Officer
National Bureau of Plant Genetic Resources
Pusa Complex, New Delhi-12

....Respondents

(By Advocate: Ms. Geetanjali)

O R D E R

The applicant claims that he worked as a casual labour with the respondents for 313 days from 23.11.76 to 22.1.77 and for 60 days from 23.11.77 to 31.1.78. Aggrieved by the refusal of the respondents to grant him employment while engaging the workers junior to him in service, he filed the O.A. No.2065/93. He submits that his advocate expired during the pendency of the O.A. and the notices issued by the Tribunal could not be received as he had shifted his address. Consequently, the aforesaid O.A. was dismissed for non-prosecution. The applicant submits that the respondents have now issued a Press Notice dated 9.10.98 inviting applications from such workers who had worked earlier with the respondents and though the applicant duly responded to this notice alongwith proof of his earlier engagement, he has not been offered reengagement.

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2. The case of the applicant is contested by the respondents on the grounds of limitation. They submit that an advertisement had been issued in 1993 calling particulars of those who had been engaged in the past on casual basis by the respondents and a seniority list on the basis of the responses had been prepared. The applicant should have approached the Tribunal if he had any grievance on account of non-inclusion of his name in the seniority list. He, however, had come in O.A. No.2065/93 for substantially the same relief but the said O.A. as already mentioned was dismissed by the Tribunal by an order dated 4.8.1994. However, the applicant did not pursue the matter further. Accordingly, he cannot seek reengagement on that account after such a lapse of time.

3. The learned counsel for the applicant argued that since the respondents themselves had called for fresh applications by their notice dated 9.10.98 and thereafter have not considered the case of the applicant, the applicant had a fresh cause of action. Having perused the aforesaid notice, I am unable to find any substance in the aforesaid argument. As rightly pointed out by Ms. Geetanjali, learned counsel for the respondents, the said public notice had called for applications only from those whose names were included in the seniority list. The applicant's name, however, did not exist in the seniority list. This seniority list had been prepared on the basis of the notice issued in 1993 and had not been challenged by the applicant. Therefore, this cause of action cannot be revived by virtue of the notice dated 9.10.98 as this is

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related to the persons whose names were available in the seniority list of casual labour. Clearly, therefore, the claim of the applicant is time barred.

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4. In the result, the O.A. is dismissed on grounds of limitation. There will be no order as to costs.

R. K. Ahooja
(R.K. AHOOJA)
MEMBER (A)

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