

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A.No.953/98

New Delhi, this the 10th day of February, 1999

HON'BLE SHRI N.SAHU, MEMBER(A)

1. Kashmir Singh
S/o Shri Jagat Singh
R/o D-1323, Azadpur Colony,
Azadpur,
Delhi.

2. Prithvi Singh,
S/o Shri Tejpal Singh
R/o D-1323, Azadpur Colony,
Azadpur,
Delhi.

....Applicants

(By Advocate: Smt. Rani Chhabra & Ms. Richa Goyal)

Versus

1. Union of India
through its Secretary,
Ministry of Communication
Department of Telecommunication
Sanchar Bhawan,
New Delhi.

2. Chief General Manager Telecom West
Department of Telecommunication
Dehradun

3. General Manager(I)
Department of Telecommunication
Jaina Tower, Raj Nagar,
Ghaziabad

4. Sub-Divisional Officer
(Telegraphs/Telecom),
Department of Telecommunications,
Hapur,
Dist. Ghaziabad

....Respondents

(By Advocate: Shri K.R.Sachdeva)

ORDER

HON'BLE SHRI N.SAHU, MEMBER(A)

The relief sought for in this O.A. is to set aside the oral order of retrenchment and to direct the respondents to re-engage the applicants in preference to their juniors and outsiders. The applicants state that they were terminated with effect from March, 1984 and July, 1985 respectively. According to the labour card available, Shri Kashmir Singh has been engaged for nearly

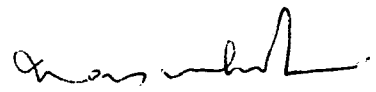
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55 days during the period from 1.2.84 to 26.3.84. But it is also noticed that the said Kashmir Singh was engaged for a period of 340 days from October, 1982 to January, 1984. The other applicant Shri Prithvi Singh was engaged from October 1984 to July, 1985.

2. Learned counsel for the respondents Shri K.R.Sachdeva objects to this O.A. on the ground of limitation. The alleged termination order was way back in 1984 and 1985. There is no application for condonation of delay. Learned counsel for the applicant Smt.Rani Chhabra submits that the prayer may be confined to engaging the applicants in preference to outsiders, if not juniors.

3. Obviously, the O.A. is barred by limitation and the impugned order of alleged termination cannot be questioned now after 13 years. There are no rights available to the applicants under any scheme to be considered for re-engagement, even if work is available, on the sole ground that they were engaged between 1984 and 1985. They may, if they are so advised, apply alongwith others and will be considered if found suitable alongwith others.

4. Since this petition cannot be admitted on the grounds of latches and limitation, there is no justification for issuing any direction for this purpose. The O.A. is dismissed on the ground of limitation. No costs.


(N. SAHU)
MEMBER(A)

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