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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

New Delhi, dated this the 7th August, 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

O.A. No. 2567 of 1997

Shri Krishan Kumar,
S/o Shri Hem Raj,
R/o 0114 Geeta Enclave,
Vani Vihar, Uttam Nagar,
New Delhi-110059.

.... APPLICANT

Versus

1. Union of India through
the Secretary,
Ministry of Defence,
South Block, New Delhi.
2. Engineer-in-Chief,
Army Hqr., Kashmir House,
New Delhi.
3. The Garrison Engineer (P),
Sirsa (Haryana).

.... RESPONDENTS

O.A. No. 2569 of 1997

Shri Raj Kumar,
S/o Shri Ganpat Ram,
R/o D-504/s, Ashok Nagar,
Shahdara, Delhi.

.... APPLICANT

Versus

1. Union of India through
the Secretary,
Ministry of Defence,
South Block,
New Delhi.
2. Engineer-in-Chief,
Army Headquarters, Kashmir House,
New Delhi.
3. The Garrison Engineer (P),
Sirsa (Haryana)

..... RESPONDENTS

O.A. No. 2570 of 1997

Shri Puran Singh,
S/o Shri Kartar Singh,
26, Vill. & P.O. Deoli,
New Delhi-62.

..... APPLICANT

Versus

1. Union of India through
the Secretary,
Ministry of Defence,
South Block, New Delhi.

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2. Engineer-in-Chief,
Army Headquarters, Kashmir House,
New Delhi.

3. The Garrison Engineer (P),
Sirsa (Haryana) RESPONDENTS

Advocates: Shri G.D.Bhandari for applicants
Shri R.P. Aggarwal for respondents

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

As these three O.As involve similar question of law and fact they are being disposed of by this common order.

2. In all these O.As applicants impugn respondents' letter dated 8.2.88 (Ann. A-4 in OA No. 2567/97), and seek reinstatement and consideration for regularisation with consequential benefits.

3. Admittedly Applicant in O.A. No. 2567/97 worked with respondents on muster roll for 305 days from Sept. 1976 to August. 1977. He claims to have been, reengaged and disengaged even thereafter till 1992, but no specific dates have been mentioned by him in his O.A. and this has been specifically denied by respondents. The name at Sl. No. 19¹ of the Statement at Ann. B-2 refers to one Krishan Kumar S/o Shri Chirag Ram while the applicant in O.A. No. 2567/97 is Krishan Kumar S/o Shri Hem Raj.

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4. Similarly, admittedly applicant in O.A. No. 2569/97 worked with respondents as a casual mazdoor for 265 days in different spells from March 1985 to Jan. 1987 with technical breaks. He also claims to have been reengaged and disengaged by respondents thereafter right upto 1992, but no details have been mentioned by him in his O.A., and this has been specifically denied by respondents.

5. Similarly admittedly applicant in O.A. No. 2570/97 worked with respondents as casual mazdoor in different spells for 265 days between June, 1966 and March 1969. He also claims to have been reengaged by respondents thereafter right upto 1992 but no details have been furnished by him in his O.A. and this has been specifically denied by respondents.

6. Admittedly respondents held a selection in 1992 for regularising casual mazdoors. Applicant in O.A. No. 2567/97 himself states that he was called for the interview on 2.7.92 (Para 4.4 of O.A.) which respondents in their reply to that Para state that he never appeared for the interview, which applicant denies in rejoinder. Similarly in O.A. No. 2569/97, applicant contends that he was called and appeared for the interview on 2.7.92, but respondents deny that he appeared for the same, which applicant challenges in rejoinder. Similarly in O.A. No.

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2570/97 applicant contends that he was called for the interview on 2.7.92, but respondents deny he ever appeared for the same, which applicant challenges in rejoinder.

7. It is clear that the grievances of the applicants stem from the selection held on 2.7.92 and their cause of action arose on that date. These O.As were however filed on October, 1997 and are therefore clearly hit by limitation u/s 21 A.T. Act. A prayer has been made for condonation of delay in each of these O.As, but the grounds taken are clearly not adequate to warrant condonation. During hearing applicants' counsel stated that these O.As had been filed after delivery of judgment dated 1.4.97 in O.A. No. 139/93 Shri Ram Lal Vs. UOI & Ors. but in Bhoop Singh Vs. UOI JT 1992 (30 SC 322 the Hon'ble Supreme Court has held that judgments and orders of Courts in other cases do not extend the period of limitation, and limitation has to be reckoned from the date the cause of action arose, which in the present case is 2.7.92. It is relevant to note that Ram Lal (Supra) approached the Tribunal in 1993, while the present applicants filed their O.As in 1997.

8. Applicants' counsel relied upon the Hon'ble Supreme Court's judgment in Inder Pal Yadav's case 1985 (2) SCC 648 in an effort to get

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over the hurdle of limitation, but that judgment is not directly relevant to the specific bar of limitation by which these three OAs are squarely hit.

9. These O.As are therefore dismissed. No costs.

10. Let copies of this order be placed in all three case records.

(S.R. ADIGE)
VICE CHAIRMAN (A)

/GK/

B. S. D. S.
Court Officer
Central Administrative Tribunal
Principal Bench, New Delhi
Fardkot House,
Coppernicious Marg,
New Delhi 110001