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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2390/2000

This the 21 day of August, 2001

HON'BLE SHRI KULDIP SINGH, MEMBER (JUDL)

Sh. Nageshwar Bhagat  
S/O Sh. Lal Bhagat  
R/O 401, Krishi Kunj, IARI,  
Pusa, New Delhi-12.

..Applicant

(By Advocate: Shri Chittranjan Hati)

Versus

1. Union of India  
Through Secretary  
Ministry of Agriculture,  
Krishi Bhawan, New Delhi.
2. ICAR  
through its Secretary  
Krishi Bhawan, New Delhi
3. IARI  
through its Director  
Pusa, New Delhi-12.

..Respondents

(By Advocate: Shri Ashish Kalia)

O R D E R

The applicant has filed this OA seeking the following relief:-

"8.1 That the applicant may kindly re-employed by the respondent and he may kindly be put senior to this juniors employed.

8.2 Any other order/directions/reliefs may also be passed in the facts and circumstances of the case in favour of the applicant."

2. The facts in brief are that the applicant claims that he has worked as daily wages worker under respondent No.3 in the months of November & December, 1986 and was working in the Division of Genetics in Indian Agricultural Research Institute, New Delhi.

3. The respondent made an advertisement in the year 1993-98 calling all the ex-employees to consider for any

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future vacancy and accordingly, the applicant submitted an application on 25.4.1998 in pursuance to the advertisement issued in 1998. Now, the applicant has come to know that his juniors have been employed whereas he is ignored by the respondents. So, he alleges that he should be re-employed with the respondents.

4. The respondents contested the OA and have submitted that if the applicant is claiming that he had worked in the year 1986, then he should have applied <sup>for</sup> ~~the~~ <sup>re-employment</sup> ~~same~~ when the first advertisement was issued in the year 1993. As now he is coming after 14 years, his claim is barred by limitation and that he cannot claim re-employment as his case is time barred.

5. Besides this, the applicant also pleaded that he never worked with the respondents even in the year 1996 and he is trying to take the benefit of casual labour card issued in respect of some other person of similar name who might have worked in the year 1996.

6. I have heard the learned counsel for the parties and have gone through the record.


7. There is no explanation from the side of the applicant as to why he did not apply in response to the first advertisement issued in the year 1993, nor has he placed on record the advertisement issued in the year 1998. According to the respondents, it also creates suspicion why the applicant had not applied in the year 1993 when detailed scrutiny of documents were taking

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place before finalizing the seniority list of casual labour. Thus, the plea of the respondents seems to be justified that as the applicant has worked in the year 1986, he should have applied in response to the advertisement issued by the respondents in 1993. Since the applicant has not given any reply to the advertisement of the 1993, so his case has become time barred and the applicant cannot approach this Tribunal after 14 years or after 7 years when the first advertisement was issued. The second objection taken by the respondents that the applicant is trying to take the benefit of casual labour card of some other person of the same name who had worked in 1986 as the copy of the casual labour card which has been placed on record by the applicant clearly shows the name of the father, as mentioned in the card, is Shri Akal Bhagat and whereas in the OA, the name of the father of the applicant has been shown as Shri Lal Bhagat. Thus, the father's name of the applicant and the casual card holder is different from what the applicant is submitting.

8. No rejoinder has been filed by the applicant to rebut the contentions of the respondents. So, keeping this in view, I find that the OA has no merit as it is time barred and accordingly the same is dismissed. No costs.

  
(Kuldip Singh)  
Member (A)

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