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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 40-2000

New Delhi, this the 24th day of November, 2000

Hon'ble Shri S.A.T. Rizvi, Member (A)

Shri Amit Kumar,
C/O Maya,
Peeli Kothi, 2615, Naya Bazar,
DELHIApplicant
(By Advocate : Shrif L.K. Garg)

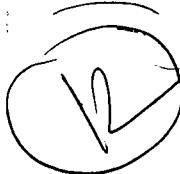
VERSUS

1. Union of India,
through its Secretary,
Ministry of Finance,
Department of Revenue,
Central Board of Excise and Customs,
Delhi
2. Commissioner,
Customs and Central Excise,
Commissionerate,
Meerut
3. Superintendent,
Customs and Central Excise,
Opp. University,
University Road,
Meerut
4. Inspector (Head Quarters)
Customs and Central Excise,
Opposite University,
University Road,
MeerutRespondents
(By Advocate : H.K. Gangwani)

O R D E R (ORAL)

The applicant has worked under the respondents No. 2 & 4 (at Meerut) admittedly for 453 days in broken spells from January, 1995 to November, 1997. He is presently not in the employment of the said respondents. He has remained out of job from December, 1997 onward. The relief sought is conferment of temporary status in terms of DOP&T's scheme of September, 1993.

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(2)

2. The learned counsel for the respondents has raised a few contentions. The main contention raised is with regard to limitation and jurisdiction of this Bench to entertain the application. According to the learned counsel, the grievance first arose in this case in December, 1997, whereas the present OA has been filed in January, 2000, which is well after the prescribed period of one year. The learned counsel for the applicant does not agree and has argued that in the meanwhile he had filed several representations and as such the limitation should be waived. I do not think it is possible to do so for the simple reason that the application not having been filed in time, repeated representations over a period of time cannot stretch the period of limitation laid down in the Act. As regards jurisdiction, it is clear that the OA should have been filed in at the Allahabad Bench of this Tribunal. The same has, however, been filed in Delhi without a PT application in accordance with the procedure. The cause of action in this case wholly and even partly arose in Meerut and, therefore, the Principal Bench has no jurisdiction. The aforesaid two questions are, therefore, decided against the applicant.

3. Considering, however, that the applicants are poor people and have remained employed in the respondents Organisation for a long period of 453 days and are currently unemployed, we would like to dispose of this OA by directing the respondents to consider re-employing the applicant as and when work is available in their Organisation in preference over the freshers /juniors/ outsiders.

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4. Since, the learned counsel for the applicant has raised a contention with regard to the days the applicant has worked from year to year, I will leave it to the respondents to check their records and consider his case for conferment of temporary status in accordance with the Scheme. The applicant will be liberty to file a fresh representation before the respondents within two weeks. After a representation has been filed, the respondents may dispose of the same in accordance with the provisions of the Scheme and law within two months thereafater.

5 In result, the OA is disposed of with directions contained in the above paragraphs. No costs.

S.A.T. Rizvi

(S.A.T. Rizvi)
Member (A)

(PKR)