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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA 76/89

Date of decision 17/2/1989

Shri Ajab Singh

.....Petitioner

Vs.

Union of India

.....Respondents

For the petitioner

.....Shri R.R. Rai,
Counsel

For the respondents

.....None.

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. P. SRINIVASAN, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed
to see the Judgment?

2. To be referred to the Reporter or not?

Y
No

JUDGMENT (ORAL)

(The judgment of the Bench delivered by Hon'ble
Mr. P. Srinivasan, Administrative Member)

This matter has come up for admission today.

Shri R.R. Rai, learned counsel for the applicant has
been heard.

2. The applicant was employed as daily wager in the
office of the Deputy Collector, Central Excise and Customs,
Faridabad on 5.5.1979. His services were terminated by
order dated 27.7.1982 (page 14 of the application). It



appears that thereafter, he has been representing to the authorities that he be reinstated, but finally, the Administrative Officer in the office of the Deputy Collector, Central Excise & Customs by letter dated 2.11.1988 (Annexure-A page 13 to the application) informed the applicant that it had been decided not to re-employ him as daily wager. The applicant is challenging in this application order dated 21.7.1982 terminating his service and the contents of the letter dated 2.11.1988 declining to re-employ him.

3. Shri Rai submitted that after the applicant's services were terminated, there was some suspicion that he was involved in a theft in the office of the respondents, but he was eventually cleared of the charge. Persons who had been employed on daily wage basis after the applicant, are still working in the office of the respondents. By letter dated 9.5.1988 (page 35 of the application) the Central Excise Collectorate at Delhi had announced that 51 persons who were working as Daily Wagers were being considered for regular employment as Sepoy. Many of them had been appointed as Daily Wagers after the applicant. Therefore, the applicant should have been re-employed as Daily Wager and considered for regularisation along with those others listed in the letter dated 9.5.1988.

4. We have considered the matter carefully. The applicant was appointed as a Daily Wager in 1979 and his services were terminated as far back as 26th July, 1982.

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We cannot now go into the question whether that order was rightly passed because it is an order passed well before 1.11.1982. Several Benches of this Tribunal have held that in respect of causes of action that arose prior to 1.11.1982, this Tribunal cannot entertain any application in the matter. Moreover, since he has been out of employment from 1982, he cannot now claim as a matter of right that he should be re-employed and we can issue any direction to the respondents to that effect. So far as other persons referred to in the letter of Collectorate of Central Excise dated 9.5.88 are concerned, they were obviously in the employment of that Department on that date and their cases cannot be compared with that of the applicant.

5. The point raised by Shri Rai about the applicant having being cleared of any involvement in the theft ^M ~~and~~ has no bearing on the issues raised in this application.

6. The application is rejected at the admission stage itself.


17/2/88
(P. SRINIVASAN)

ADMINISTRATIVE MEMBER


(P.K. KARTHA)
VICE CHAIRMAN(J)