

Central Administrative Tribunal
Principal Bench, New Delhi

O.A.No.1910/91

10

New Delhi this the 12th day of July, 1995

Hon'ble Shri S.R. Adige, Member (A)
Hon'ble Shri Dr. A. Vedavalli, Member (J)

Shri Mahesh Kumar,
S/o Shri Sirdar,
Ashok Nagar, Chirpurwa,
Hardoi.

.....Applicant

(By Advocate : *None*)

VERSUS

Union of India, through

1. General Manager,
Northern Railway,
Baroda House,
New Delhi.
 2. S.S.T.E (P.S.)
D.R.M. Office, Northern Railway,
New Delhi.
- Respondents

(By Advocate - *Sh. HK. GANGWANI*)

ORDER (ORAL)

(Hon'ble Shri S.R. Adige, Member (A))

In this application Shri Mahesh Kumar ¹*has*
prayed for the relief that he should be taken
back on duty along with all consequential
benefits.

From the materials on record it appears
that the applicant who was appointed as Khalasi
on 21.11.1972 was involved in criminal case and
was arrested on 3.9.1982. He was discharged from
service on 10.9.1982 against which he has filed
this O.A. on 30.4.91 and the reply was filed on
20.11.91.

A

(11)

None appeared for the applicant when the case was called on 31.3.93. It is noted that the applicant was absent on the previous date also i.e. on 3.7.95, *and none appeared on his behalf even today, when the case was called out.*

Shri Gangwani appears for the respondents and pointed out that as the impugned order is dated 10.9.82 i.e. *of* more than 3 years prior to the inception of the Tribunal on 1.11.1985, ~~thus~~, the Tribunal has no jurisdiction in this case. He has further contended that even if it is presumed that the Tribunal has jurisdiction, the O.A. has been filed nearly 9 years after the date of the impugned order and is, therefore, barred by limitation. He has further pointed out that the applicant was appointed as Project Casual Labour and was discharged as a result of ^a criminal case, ^{and} has no enforceable right to be re-engaged.

These arguments appear ~~to~~ unassailable. In the result we are unable to ~~grant~~ ^{grant} the relief prayed for by the applicant. This O.A. fails and is dismissed. No costs.

A. Vedavalli

(Dr. A. Vedavalli)

Member (J)

S.R. Adige

(S.R. Adige)

Member (A)