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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1143 OF 2004

New Delhi, this the 7th day of May, 2004

HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

Shri Raghunandan Surela,
S/o M.K. Surela,
Jhugi NO.21,
Near DESU House,
Sector-4, R.K. Puram,
New Delhi-110022.

.....Applicant

(By Advocate : Shri M.R. Mahapatra for
Shri Anil Mittal)

Versus

1. Union of India,
Ministry of Home Affairs,
North Block,
New Delhi.
(Through its Secretary)
2. Staff Selection Commission,
(North Region), through its
Chairman, Block No.12,
5th Floor, C.G.O. Complex,
Lodhi Road, New Delhi.
3. The Section Officer (General),
Administration Branch,
S.S.U. Block, C.G.O. Complex,
7th Floor, Block No.12,
Lodhi Road, New Delhi.

.....Respondents

ORDER (ORAL)

This Original Application under Section 19 of the Administrative Tribunals Act, 1985 has been filed seeking a direction to respondents to appoint the applicant on the post of Examination Work Attendant or any other suitable/equivalent post on regular basis.

2. At the time of argument, learned counsel of the applicant invited attention to order dated 30.10.1996 in OA No.485/1993 passed by this Tribunal wherein this Tribunal had observed as under:-

"Applicant who ceased to work for
respondents after 1989, seeks a direction

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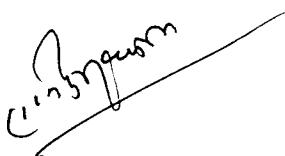
for reengagement. Learned counsel for respondents submits that in terms of Annexure R-1 scheme applicant does not qualify for getting the reliefs prayed for. Counsel is well founded in his submission. In the circumstances, we would only direct respondents to consider applicant for future employment, in case vacancies arise and in case he qualifies for appointment in terms of the requirement.

2. Application is disposed of. No costs."

3. Learned counsel further pointed out that even after the orders of this Tribunal dated 30.10.1996 one Shri Ramesh Kumar Sahu was appointed on 6.11.1996. It is further claimed by the applicant that there were vacancies even thereafter as one Shri Om Prakash Tiwari had been appointed in pursuance of the order dated 11.11.1999 in CP No.77/1999 arising out of OA 324/1997. The claim of the applicant is that in view of the Tribunal's order dated 30.10.1996, the applicant should have been appointed in preference to others.

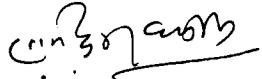
4. After hearing the learned counsel of the applicant for some time, it was noticed that any cause of action which arose in the case was as early as on 6.11.1996 when one Shri Ramesh Kumar Sahu is alleged to have been appointed. This Original Application filed on 5.5.2004 is highly belated and deserved to be dismissed in limine on that account.

5. Learned counsel tried to take support from the order of this Tribunal dated 13.11.2003 in OA No.1363/2003 wherein the OA filed by the applicant was allowed to be withdrawn. He also stated that wife of



the applicant was not well. Therefore, there is delay in prosecuting this case. Even after considering the claim of the applicant in respect of OA 1863/2003 and wife's illness, the delay cannot be condoned as the entire delay is not satisfactorily explained. This Tribunal vide order dated 13.11.2003 in OA 1863/2003 also did not waive the period of limitation while granting liberty to the applicant in filing fresh OA.

6. For the reasons mentioned hereinabove, this OA is dismissed in limine as being barred by limitation without any order as to costs.


(R.K. UPADHYAYA)

ADMINISTRATIVE MEMBER

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