

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 1847/92

DECIDED ON : 20.4.93

Shri Balwant

... Applicant

Vs.

Union of India & Ors.

... Respondents

CORAM :

THE HON'BLE MR. S. P. MUKERJI, VICE CHAIRMAN (A)
THE HON'BLE MR. J. P. SHARMA, MEMBER (J)

Shri B. K. Batra, Counsel for Applicant
Shri H. K. Gangwani, Counsel for Respondents

JUDGMENT

Hon'ble Shri J. P. Sharma, Member (J) —

The applicant has the grievance that his services were terminated while he was working as casual labour khalasi though he had attained temporary status and no formal order of termination was passed. It is his case that he was appointed as casual labour khalasi from 16.3.1978 and worked upto 14.10.1980 under IOW Gajraula, Northern Railway. In the present application filed on 16.7.1992 the applicant has prayed for the grant of the relief that a direction be issued to the respondents to reinstate the applicant as casual labour khalasi with all consequential benefits and to regularise his services from the date junior to him has been regularised on his appointment.

2. MP-2054/92 has also been moved by the applicant for condonation of delay stating that in view of the Railway Board's circulars of 22.10.1980 and 30.3.1987 it was the duty of the respondents to maintain live casual labour register of all those casual labourers who had worked earlier in order of seniority and that the cause of the applicant is reckoning one and the delay in filing this application be condoned.

3. The respondents contested the application as well as the M.P. for condonation of delay. Regarding the M.P. for condonation of delay, the respondents have taken the stand that the applicant has not given out any reasonable and probable cause for condoning the delay; that the applicant has abandoned his services at his own accord in 1980 and has not reported for duty since then. In reply to the O.A. the respondents have taken the preliminary objection that the applicant has not exhausted the departmental remedy and that the present O.A. is hopelessly barred by limitation. It is further stated that the applicant worked for 120 days from March, 1978 to August, 1978 in broken spells and also for 55 days from September, 1980 to December, 1980 in broken periods; that the photo copy of the casual labour card attached with the application is false and it is not borne from the record available with the respondents, except one entry from September, 1980 to October, 1980 for 30 days. The applicant has not put in 120 days of continuous service and the averment in the O.A. is stated to be incorrect.

4. We have heard the learned counsel for both the parties at length. Regarding the M.P. for condonation of delay, the applicant has not given a probable and reasonable cause of not coming to the court when his services according to him were dispensed with by oral order. There is nothing to substantiate this fact. The representations filed by the applicant do not bear any endorsement of having been delivered at the office of the respondents and not accompanied by any postal receipt to establish that it was despatched by post. In view of this fact, there is no ground for condonation of delay of about 12 years in filing this application. M.P.-2054/92 is, therefore, rejected.

5. Since the M.P. for condonation of delay is rejected and the applicant has no running cause of action, the present application which has been filed in 1992 is beyond limitation as provided under section 21 (1) of the Administrative Tribunals Act, 1985. Moreover, the Tribunal cannot adjudicate a grievance which has arisen three years prior to coming into force of the Administrative Tribunals Act, 1985, i.e., 1.11.1982.

6. The respondents have also disputed the correctness of the casual labour card furnished by the applicant.

7. Learned counsel for the applicant has placed reliance on the judgment in O.A.1346/92 decided on 6.11.1992 by the Principal Bench. In that case, the applicant was recruited as a temporary Carpenter on 4.1.1973 and continued upto 27.2.1979. In that case the respondents had admitted that the applicant had completed 160 days continuously in one spell and had acquired temporary status. The case in hand is totally different. The case of the respondents in the present case is that the applicant had abandoned his services and did not report after 1980.

8. In view of the above facts and circumstances, the present application is hopelessly barred by time and is dismissed as such leaving the parties to bear their own costs.

Signature.

(J. P. Sharma) 20.4.93
Member (J)

Signature.

(S. P. Mukerji)
Vice-Chairman (A)

as

Pronounced by me in open court
on 20.4.93.

Signature.

(J. P. Sharma)
Member (J)