

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 1873/92

DECIDED ON : 26.4.93.

Shri Buddhan

... Applicant

Vs.

Union of India & Others

... 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 the 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 have been illegally terminated while he was working as casual labour by an unwritten order though he had acquired temporary status. The case of the applicant is that he had worked as casual labour under IOW Hapur from January, 1977 to October, 1980 and that he had acquired temporary status under rule 2515 of the Indian Railway Establishment Manual. He has prayed for the grant of the relief that the respondents be directed to reinstate the applicant as casual labour Khalasi and to regularise his services from the date any of his juniors has been regularised.

2. MP-2097/92 has also been moved for condonation of delay stating that in view of the circular of the Railway Board of October, 1980 and March, 1987 the respondents should have maintained a live casual labour register and the appointment should be given to those only who had worked earlier. In view of this, it is stated that the delay be condoned.

1c

(b)

3. The respondents in their reply have opposed the grant of relief to the applicant stating that the present application is barred by section 20 of the Administrative Tribunals Act, 1985 and also by limitation as prescribed under section 21 of the Act ibid. The applicant only worked from January, 1977 to July, 1978 under IOW Hazaribagh and from May, 1980 to October, 1980 under IOW Gajraula; that the applicant is not entitled to any regularisation as he has not acquired a temporary status and has only worked with certain breaks. In any case, it is stated that the application is barred by limitation and the applicant is not entitled to the reliefs prayed for.

4. We have heard the learned counsel for the parties at length and have gone through the record of the case. We find that in the M.P. for condonation of delay the applicant has not stated a reasonable and probable cause of not assailing his grievance immediately after he was discharged from service as alleged by him in October, 1980. He has come after a gap of about 12 years and has not explained at all the period nor any reason of coming so late has been furnished. The M.P. for condonation of delay, therefore, does not show any reasonable cause and is rejected.

5. The application is also barred under section 20 of the Administrative Tribunals Act, 1985 as the applicant is said to have filed certain representations with the respondents in 1983, 1986 and 1989 and these representations do not bear any endorsement to show that these have been delivered at the office of the respondents nor accompanied by any postal receipt to show that they have ever been despatched by post. In view of this fact, the present application is hopelessly barred by time and is dismissed as such. No costs,

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

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

as

Pronounced by me in open court
on 20/4/83.

J. P. Sharma
(J. P. Sharma) M(J)