

10

(10)

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

DA No.1938/92, MP 1499/93

Decided on:3.9.93.

Virender Pal Singh ... Applicant

Vs.

Union of India & Another ... Respondents

CORAM:

THE HON'BLE MR. J.P.SHARMA, MEMBER(J)

THE HON'BLE MR. B.K.SINGH, MEMBER(A)

For the applicant ... None.

For the respondents ... Shri K.K.Patel, Counsel

JUDGMENT(ORAL)

(HON'BLE MR. J.P.SHARMA, MEMBER(J):

The applicant has filed this application making an averment that he was engaged by the respondent no.2 as casual labour for 29 days in 1976, for 205 days in the year 1977 but he has not since been engaged and persons junior to him have been engaged in Muradabad Division by respondent no.2. The applicant has prayed for the grant of relief that respondents be directed to consider the applicant for absorbing in Group 'D' as per provisions of Chapter XV and XX of the Indian Railway Establishment Mannual Vol.I and II and other railway rules. A notice was

Contd..2.

↓

issued to the respondents on 28.7.92 with the direction that the respondents may consider engaging the applicant as casual labour if any vacancy exists in preference to the juniors and outsiders.

The respondents in their reply contested the grant of the relief to the applicant. It is stated that the applicant himself left voluntarily working as casual labour in the year 1977 and after that he has never turned up to do the job nor he made any representation whatsoever for entry in the live casual labour register as per Railway Board policy and their circular issued by the Railway Board in 1982, 1987 and 1990. The respondents have also contested the working days averred in the application stating that he has only worked for 75 days in the year 1977. It is stated that the present application is hopelessly barred by time as it is file after more than 15 years.

The applicant has also file the rejoinder reiterating the points referred to in the original application. He has disputed the contention raised in the application for working for 75 days and in support, he has referred to the certificate of the respondents employees annexed with the application as annexure A-I and annexure A-III.

le

Contd...3.

9 12

None is present on behalf of the applicant today. The counsel was also not present on the last hearing on 3.8.93. MP 1499/93 is moved by Union of India that interim order dated 28.7.92 be vacated.

We have heard the learned counsel for the respondents and have gone through the pleadings of the parties. It is a fact that the applicant was not engaged after 19.7.77. The 1st representation as alleged in para 4.15 was made by the applicant on 22.5.90. In view of the decision of the Supreme Court in Ram Chander Somantha reported in Judgements Today 1993 Vol.3 p.41B, those persons who have not come at the proper time and sought the redressal of their grievances quite late after years, in their cases also if they have got any right, the remedy is not available and that is lost by lapse of time. Thus, the applicant has approached the Tribunal after 15 years and his representation he made after 13 years. We find that the present application is hopelessly barred by time and delay has defeated the right of the applicant, if any, available to the applicant. The remedy, if any, available to the applicant cannot be revived by lapse of time. The application, therefore, is dismissed as hopelessly time-barred.


(B.K. SINGH)

MEMBER (A)


(J.P. SHARMA)

MEMBER (J)