

I

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A.No. 2411/92

DATE OF DECISION 18.9.92

Sh. Moti

Applicant

VERSUS

U.O.I. & OTHERS

Respondents

For the Applicant

Sh. B.K.Batra, counsel

For the Respondents

CORAM

The Hon^{ble} Mr Justice Ram Pal Singh, Vice Chairman(J)

The Hon^{ble} Mr. P.C.Jain, Member(A)

1. Whether reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?

JUDGEMENT (ORAL)

(By Hon^{ble} Mr.P.C.Jain, Member(A)

We have heard the learned counsel for the applicant on admission as well as on interim relief.

This O.A. has been filed against the ^{alleged} illegal action of the respondents in terminating the services of the applicant as casual labour khalasi on 14-12-80, and the relief prayed for is to direct the respondents to reinstate the applicant as casual labour khalasi with consequential benefits; alternatively to pay wages for

.....

2

a period of one year from the date of filing of this application. Another prayer is that a direction be issued to the respondents to regularise his services after incorporating his name in the casual labour Register if not already done. The cause of action in the case accrued in December, 1980, i.e. much prior to 3-years of coming into effect of the Administrative Tribunal Act, 1985. In such a case, as has been held in a number of cases, the Tribunal has no jurisdiction. Even in terms of provisions of the Limitation Act, 1963, and Section 21(2) of the Administrative Tribunals Act, 1985, this O.A. is hopelessly barred by limitation.

Learned counsel for the applicant submitted that by an order passed by the Railway Board on 4-3-87 (Copy at page No. 14-A of the paper book) it was desired that opportunity may be given to open line casual labour who were discharged before 1-1-81 for want of work or completion of work, for considering inclusion of their names in the Live Casual Labour Register. For this purpose the instructions contained in the Ministry's letter dated 2-3-87 were to be applied mutatis mutandis.

It is further submitted that the applicant accordingly represented on 17-5-87 (Annexure A-3). On a perusal of his letter dated 17-5-87, it is seen that this letter is totally different and ^{has} nothing to do with the request for inclusion of his name in the live casual labour Register. Even presuming that his name was not

Q.

included as stated, in that case the applicant should have approached the Tribunal within 18-months from 17-5-87 i.e. on or before 16-11-88. This O.A. has been filed on 14-7-92 much after the prescribed limitation period. On this ground also, the O.A. is accordingly barred by limitation as per Section 21(2) of the Administrative Tribunals Act, 1985.

For the reasons stated above, this O.A. is hopelessly barred by limitation and the same is accordingly rejected.

Cecai
(P.C. JAIN)
MEMBER(A)

Ram Pal Singh
(RAM PAL SINGH)
VICE CHAIRMAN(J)

S.K.U