

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA 2975/1992

Date of decision: 13.08.1993

Shri Murari Lal & Another

...Petitioners

Versus

Union of India & Others

...Respondents

For the Petitioners

...Shri B.N. Bhargava, Counsel

For the Respondents

...None

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN
THE HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

JUDGMENT (ORAL)
(of the Bench delivered by Hon'ble Mr.
Justice S.K. Dhaon, Vice-Chairman)

The petitioners' have come to this Tribunal with the principal prayer that the respondents be directed to reengage them.

2. A counter-affidavit has been filed on behalf of the respondents.

3. It appears to be an admitted position that the petitioners' were employed as casual workers in 1985 and they rendered service for more than 120 days and, therefore, they acquired temporary status. It is the petitioners' own case that they were disengaged from service in September, 1985.

4. On the face of it, this application is blatantly barred by time. This argument is met by the learned counsel for the petitioners by relying upon a decision of this Tribunal in OA 2176/1990 decided on 27.2.1992. It is alleged that one Shri Babu Lal who was similarly situated as the petitioners', came to this

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Tribunal in the year 1990 and got the relief on 27.02.92. It is stated at the Bar that the petitioners' took the cue from the decision given in Babu Lal's case. However, it is to be noted that Babu Lal's case was disposed of by this Tribunal on 27.02.92. and the petitioners' came to the Tribunal in November, 1992. No explanation has been offered for the delay in filing this application. Learned counsel has urged that the question of limitation will not come into play as the petitioners' have claimed protection under Articles 14 and 16 of the Constitution. The infringement alleged is that since Shri Babu Lal stands re-engaged in service, the respondents are guilty of not appointing the petitioners. It a curious argument. We have already stated that the petitioners' took more than 9 months to come to this Tribunal even after the decision of Babu Lal's case. In our opinion, the allegation that Articles 14 and 16 have been violated, will not get over the question of limitation. We are not satisfied that any satisfactory explanation has been offered for the delay. This application has to be rejected on the point of limitation.

5. The application is rejected. No order as to costs.

B.N. DHOUDIYAL,
(B.N. DHOUDIYAL)
MEMBER (A)
13.08.1993

S.K. DHAON
(S.K. DHAON)
VICE CHAIRMAN
13.08.1993

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