

Central Administrative Tribunal
Principal Bench: New Delhi

RA No. 2/98 in OA No.1101/92

New Delhi, this the 16th day of January, 1998

(21)

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri S.P.Biswas, Member (A)

Union of India through

1. The General Manager,
Northern Railway,
Baroda House, New Delhi.

2. The Divisional Railway Manager,
Northern Railway, Moradabad (UP)

3. Assistant Engineer,
Northern Railway,
Chandausi, UP Distt. Moradabad.Review applicants

(By Advocate: Shri R.L. Dhawan)

Vs.

Girish Kumar Sharma
s/o Shri M.P. Sharma,
r/o Jhuggi GP Block,
Maurya Enclave, Delhi.

....Respondent

(By None)

O R D E R (By circulation)

Dr. Jose P. Verghese, Vice-Chairman (J)-

This review petition has been filed against our order dated 3rd October, 1997. The first ground taken for review is whether rule 2007 (3) of the Indian Railway Establishment Manual Vol.I is applicable to the present case at hand. We have already decided that it is applicable in the circumstances of the case especially for the reason the petitioner has been appointed during the relevant period as group 'C' casual labourer by themselves and a clarification sought in the year 1989 followed by another one in the year 1991 was not finally disposed of by the respondents themselves. Even when the OA was disposed

of, no order had been produced before us. The said rule only states that it is applicable to skilled category of workmen we find no difficulty to consider in the circumstances of the case, especially since the respondents themselves appointed the petitioner in that capacity that the petitioner be treated as a skilled workman under the said rule.

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The second ground taken by the review applicant is that the petition is awfully time barred. We find that this aspect has already been considered in our judgement and the delay occurred is at the instance of the respondents who could not decide the issue in spite of reminders from the concerned department in the year 1989 followed by another one in 1991 and subsequently this petition happened to be filed in the year 1992 and the question of limitation cannot be a ground for dismissal in the said circumstances.

Third ground raised is that this Tribunal has no jurisdiction to entertain a grievance pertaining to a period prior to 1.11.1982. For the reasons just stated hereinabove the cause of action might have arisen earlier but the same did continue to exist subsequently as such the said ground has no legs to stand.

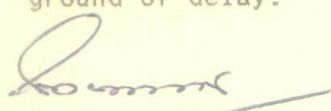
It was further stated by the review applicant that the petitioner is not entitled to regularisation since the initial appointment is dehors the rules. We are afraid the initial appointment was probably dehors the rules but respondents themselves were not able to give any clarification under what circumstances the appointment was made and court has no facility to find out whether the

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appointment was de hors the rules or not. In any event
the orders given by us is only to consider the case of the
petitioner as and when the vacancy becomes available.

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Since no other ground has been raised, we also
find no reason to condone the delay as prayed for. This
review petition is dismissed both on merit as well as on
ground of delay.



(S.P. Biewas)
Member (A)



(Dr. Jose P. Verghese)
Vice-Chairman (J)

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