

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

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O.A. NO. 875/1992

DATE OF DECISION : 03.04.92

SHRI MADAN LAL

...APPLICANT

VS.

UNION OF INDIA & ORS.

...RESPONDENTS

JURAM

HON'BLE SHRI S.P. MUKERJI, VICE CHAIRMAN (A)

HON'BLE SHRI J.P. SHARMA, MEMBER (J)

FOR THE APPLICANT

...SHRI G.D. BHADARI

FOR THE RESPONDENTS

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

JUDGEMENT

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J))

The applicant has the grievance that in spite of having been put in about 650 days of service as casual labour at different occasions with the respondent No. 2 at different stations-Dehradun, Visharadganj, Nisol, Aunwla, Asafpur and Collector Buckganj, the applicant has not been considered for regularisation in service. The applicant has claimed the reliefs that the order dt. 22.3.1991 (Annexure A1) be set aside and the respondents be directed to appoint the applicant as Loco Cleaner and should be given

(3)

notional seniority from the date of appointment of his juniors with consequential benefits of seniority.

2. We have heard the learned counsel Shri G.D.Bhandari on the admission of the matter. The applicant has shown his last engagement in the year 1986 as a Waterman from May, 1986 to July, 1986 and after that the applicant has not been engaged and it is alleged that the applicant has applied for appointment as a Cleaner on 25.11.1987 vide Annexure A4. Though there is no acknowledgement of this application by the respondents, still giving due weight to this document, the applicant has shown November, 1977 as the date when he has worked in place of some other person and he has shown that he has worked for 650 days. According to Section 21 of the Administrative Tribunals Act, 1985, the applicant should have come for the redress of his grievance, if any, within a period of one and a half years from 25.11.1987. Under Section 21(b), it has been specifically laid down that in a case where any representation such as is mentioned in Clause b of Sub-Section 2 of Section 20 has been made and a period of six months has expired thereafter without such final order having been made, then the applicant should have come within one year from the date of expiry of the said period of six months. Thus the applicant should have come before this Tribunal or

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(X)

Allahabad Bench within the jurisdiction of which the applicant has worked by 25.1.1989. The present application has been filed on 27.3.1992 and there is no explanation of any delay nor ^{is} there ^{is} a prayer for bringing the matter within limitation after condoning the delay.

3. In fact in column-3 of the application at p-2, it is stated that the application is within limitation, but we fail to understand how this stale matter of 1986 can be said to be in limitation because what the applicant wants to be quashed in this case is not an order, but a communication addressed to Shri Yadav on the subject of appointment of Rajinder Singh as Loco Cleaner in the Railway. The name of the applicant is Madan Lal, S/o Shri Asarfi Lal. This letter written on behalf of the Divisional Railway Manager, Moradabad dt. 22.3.1991 to the Member of Parliament cannot be said to be any order which can give any cause of action to the applicant Madan Lal.

4. The law of limitation has been clearly laid down in the case of Dr.S.S.Rathore Vs. State of Madhya Pradesh, AIR 1990 SC p-10. Thus this belated application is hopelessly barred by time.

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5. The principle regarding limitation is enshrined in judicial ~~text~~ ^{maxim} is 'Vigilantibus et non dormi culibus jura sub veniunt' which means that law gives help to those who are watchful and not to those who go to sleep. The law of limitation has also been clearly laid down in a number of pronouncements. *

6. In view of the above discussion, the application is admitted and dismissed as barred by time at the admission stage itself with no orders as to costs.

JKM

AKS

(J.P. SHARMA) 3.4.92

MEMBER (J)

SM
3.4.92

(S.P. MUKERJI)
VICE CHAIRMAN (A)

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1. 1986 (2) SLJ 115 & 116
Ms. Sunita Mishra Vs. UOI
2. 1986 (3) SLJ 439 at p-442 & 443
Sh. Mohinder Vs. UOI
3. 1989 (3) SLJ 136 & 138
Sh. Mangal Vs. Chief Section Officer
4. 1987 (2) SLJ 604
Sh. V.P. Rago Vs. UOI
5. 1989 (1) SLJ 639
Sh. Hub Lal Vs. UOI
6. 1989 (2) SLJ SC 49
Sh. P.L. Shah Vs. UOI.