

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

OA No.1661/93  
MP No.2192/93

Date of decision: 07.9.93

Shri Subhash Chand Bhati

...Petitioner

Versus

The Medical Superintendent,  
Safdarjung Hospital, New  
Delhi & Others

...Respondents

Coram:- The Hon'ble Mr. I.K. Rasgotra, Member (A)  
The Hon'ble Mr. B.S. Hegde, Member (J)

For the petitioner

Shri B.S. Charya, Counsel.

(Judgement of the Bench delivered by Hon'ble  
Mr. I.K. Rasgotra)

This Application has been filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985 praying that the action of the respondents in terminating his services w.e.f. 3.9.1991 and denying him employment as daily wager nursing attendant be set aside. It is further prayed that respondent No.1 be issued a direction to re-employ the petitioner on daily wages in pursuance to the letter dated 1.9.1992 and in preference to his juniors. We had heard Shri B.S. Charya, learned counsel for the petitioner on admission on 17.8.1993. The petitioner was appointed vide order dated 19.8.1991 which reads as under:-

"The following persons have been engaged after their medical examination in order of merits on Daily Wages as Nursing Attdt. @Rs.25/-+ D.A. per day in this hospital w.e.f. the date shown against each upto 31.8.91.



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They will not be paid for the day they remain absent from duty."

The name of the petitioner appears at serial No.11. His date of joining is shown as 19.7.1991. Thus, the service of the petitioner in terms of the above order stood terminated with effect from 31.8.1991. He has filed this Original Application on 17.5.1993. He has also filed a Miscellaneous Petition for condonation of delay. His grievance is that he was not allowed to join duty w.e.f. 3.9.1991. He made a series of representations but no reply was given. The last representation is stated to be of 3.12.1992. Representation dated 3.12.1992 reads as under:-

"Reference my application Dated 9.9.91 and subsequent reminder dated 9.3.92 and 2.6.92 no reply has been received so far. In this connection I have to say that the verification of my school certificate has been received by your office on 20.11.92 and copy of the same has been received by me on 20.11.92.

I, therefore request your honour to consider my case sympathetically and take me on duty as early as possible."

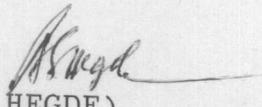
Thus, the first representation was filed by the petitioner on 9.9.1991. He should have waited for a reasonable period of time and approached the Tribunal for seeking redressal of his grievance. It has been held by the Hon'ble Supreme Court in S.S. Rathore v. State of M.P. reported in AIR 1990 SC 10 that repeated representations do not extend the limitation.

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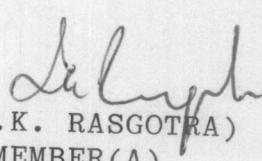
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The reason given for condonation of delay, therefore, is not acceptable. First the petition is barred by limitation under Section 21 of the Administrative Tribunals Act, 1985. Secondly, there is also no reason for us to condone the delay, as no circumstances obtain which would have prevented the petitioner from approaching the Tribunal in time as stipulated in Section 21 of the Administrative Tribunals Act, 1985. Even on merits the petitioner has no case, as his appointment was on daily wages for a specific period. Once that period was over, the respondents were within their jurisdiction to not to take him back on duty. Right on the day when he joined service he was informed vide appointment letter dated 19.8.1991 that his appointment is upto 31.8.1991. He cannot, therefore, make any grievance about his not being allowed to join duty by the respondents on 3.9.1991. In Director, Institute of Management Development, U.P. v. Pushpa Srivastava - 1992 (21) ATC 377 the Supreme Court has observed "To our mind it is clear that where the appointment is contractual and by efflux of time the appointment comes to an end the respondents could have no right to continue in the post."

In the above circumstances the petition is dismissed at the admission stage itself, as barred by limitation and devoid of merit.

  
(B.S. HEGDE)  
MEMBER(J)

San.

  
(I.K. RASGOTRA)  
MEMBER(A)