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In the Central Administrative Tribunal  
Principal Bench, New Delhi

DA-965/93

Date: 5-8-93.

Shri Sunil Kumar Bansal .... Applicant

Versus

Union of India & Ors. .... Respondents

For the Applicant .... Ms. Bharti Sharma, Proxy for  
Mrs. Rani Chhabra, Advocate

For the Respondents .... None.

CORAM: Hon'ble Mr. J.P. Sharma, Member (Judl.)  
Hon'ble Mr. N.K. Verma, Administrative Member.

1. To be referred to the Reporters or not?

(Judgement of the Bench by Hon'ble Mr. J.P.  
Sharma, Member)

The services of the applicant were terminated in pursuance of the letter dated 22nd April, 1987 issued by the Telecom Department directing retrenchment of casual labourers who had been employed in the Department after 31.3.1985. In this application, the applicant has claimed the relief to quash the circular dated 22nd April, 1987 directing the respondents to take the applicant back on work immediately with all consequential benefits. The facts of the case are that the applicant was engaged as a casual labourer in the Telecom Department in June, 1985. He has been retrenched from service, but he has not mentioned the specific date when he was disengaged from service in pursuance of the

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circular dated 22nd April, 1987. The present application has been filed on 23rd April, 1993. Since the application was not in order, it was returned to him and he refiled it on 3.5.1993. The matter came before the Division Bench on 5.5.1993, when the learned counsel for the applicant took time to file the application for condonation of delay and one week's time was allowed. The matter was taken up on 28th May, 1993, but was adjourned again to 31st May, 1993. The applicant did not file the application for condonation of delay and further opportunity was given to file the same before 16.7.1993. M.P. for condonation of delay was filed, but with certain objections, which was returned to the applicant by the Registry and was not refiled.

2. We heard the learned counsel for the applicant on 28.7.1993 on limitation. No application for condonation of delay has been moved. On the other hand, in para.3 of the application at page 2, it is stated that the application is within time according to limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985. Section 21(1) lays down the specific period within which the grievance will be assailed in the application under Section 19. The applicant had been retrenched from service about 5 years ago in pursuance of the circular of 1987 (Annexure A-II). He was retrenched from service some time

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in July, 1987. In view of the above facts, the application is patently barred by limitation and the applicant should have come within one year from the date he was disengaged from service. The application is dismissed as barred by limitation. There will be no order as to costs.

N.K. Verma  
(N.K. Verma)  
Member (A)

J.P. Sharma  
(J.P. Sharma)  
Member (J) 8181/33

Pronounced by me.

Dec  
(J.P. Sharma):  
Member (J).