

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 7th day of May 2003.

QUORUM : HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.

O.A. No. 537 of 1996

1. V.K. Srivastava S/O Late Shakal Dev Prasad Srivastava R/O Gudri Rai Ka Chowk, P.O. Bhagwan Bazar, Dist. Chhapra, Biha.
2. Prayag Mahato S/O Mahadeo Mahato R/O Village Bharampur, Tehsil and District Bihar.
3. Anarnath Gupta S/O Late Devendra Nath Gupta R/O Dharam Nath Ji Mandir Road Ratanpura, P.O. Bhagwan Bazar, P.S. Bhagwan Bazar, District Chhapra, Bihar.

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..... Applicants.

Counsel for applicants : Sri G.D. Mukherjee.

Versus

1. The Union of India through The General Manager, North-Eastern Railway, Gorakhpur.
2. The Divisional Railway Manager, North-Eastern Railway, Varanasi.
3. The Chief Administrative Officer (Construction), North-Eastern Railway, Gorakhpur.
4. The Chief Engineer (Construction), Gorakhpur.
5. The Permanent Way Inspector, North Eastern Railway, Varanasi

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..... Respondents.

Counsel for respondents : Sri V.K. Goel.

O R D E R (ORAL)

BY HON.MR. JUSTICE R.R.K. TRIVEDI, V.C.

By this O.A. filed under section 19 of A.T. Act, 1985, three applicants have prayed for a direction to the respondents to re-engage them and to take work. It has been further prayed that the direction may also be given to the respondents to fix the original seniority and regularise their services. Lastly, it has been prayed that respondents be directed to pay the full back wages of the applicants with interest and all consequential benefits.



2. The facts of the case for the aforesaid relief are that the applicant No.1 V.K. Srivastava worked as casual labour in broad-gage project from 28.4.1980 to 15.5.1982. Admittedly he was disengaged on 16.5.1982.

3. Applicant No.2 Prayag Mahato worked from 21.7.1980 to 15.4.1982. He was disengaged from 16.4.1982 and Applicant No.3 Anarnath Gupta worked from 30.9.1980 to <sup>15.8.1981</sup> ~~20.1.1983~~. He was disengaged on 16.8.1981.

4. This O.A. has been filed on 1.5.1996 i.e. <sup>after</sup> more than 14 years of disengagement. There is no application for condoning this long and inordinate delay. Counsel for the respondents submitted that the application is liable to be rejected on the ground of limitation. It is further submitted that the judgment in Hukum Singh's case relied on in para 3 of the O.A. reported in 1993 Vol.24 ATC 747 is no more a good law in view of the full Bench judgment of Principal Bench in case of Mahavir and others Vs. Union of India and others 2000(3) ATJ 1 which has been confirmed by Full Bench of Hon'ble <sup>Delhi High</sup> ~~Supreme~~ Court in case of Jagdish and others Vs. Union of India and others, <sup>question of any</sup> 2002(3) E.S.C. (Delhi) 576.

5. It is clear that there is no recurring cause of action as claimed by the applicants. The O.A. is highly time barred and is accordingly dismissed.

No order as to costs.

V. G.

Asthana/