

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

* * *

Allahabad : Dated this 31st day of October, 1996

Original Application No. 770 of 1996

District : Allahabdd

CORAM:-

Hon'ble Mr. S. Das Gupta, A.M.

Hon'ble Mr. T.L. Verma, J.M.

Laloo Son of Bhai Lal
R/o Village Chandpur Salori,
Telierganj, Allahabad.

(By Sri T.P. Mishra & Sri OP Gupta, Advocates)

. Applicant

Versus

1. Union of India through General Manager,
Northern Railway, Head Office, Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Allahabad
3. Senior Divisional Engineer (Engineering Section),
Allahabad.
4. Inspector of Works (II), Northern Railway,
Allahabad.

..... Respondents

W

ORDER (O_r_a_l_)

By Hon'ble Mr. S. Das Gupta, A.M.

This application has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the relief of payment of arrears of pay from 1988 to 1990. The applicant has also prayed that he be treated a regular and confirmed employee with all emoluments since 1990.

2. It has been averred in the OA that the applicant was appointed as a casual labourer under the Works Inspector in 1974. He moved many representations for his regularisation but the respondents turned a deaf ear to his request. He worked as a casual labourer till 1990. Thereafter, it is stated, he levelled the charge against respondent no.4 that the latter was demanding a sum of Rs.10,000/- which the applicant was unable to pay and due to this, the services of the applicant were terminated. He thereafter filed an application before the Labour Court which was dismissed on 18-10-1995. Aggrieved by the aforesaid order of the Labour Court, the applicant has ^{filed} this OA for the reliefs aforementioned.

3. When the application came up for admission, we heard learned counsel for the applicant.

4. The applicant's case is that he worked from 1974 to 1990. It is clear from the certificate of work annexed at Annexure-1 that he actually worked from 1976 to 1979. There is nothing on record to indicate that he worked beyond 1979. If his services were terminated in 1979, the present application is highly time barred. The applicant submitted that the order dated 18-10-1995 passed by the Labour Court gives

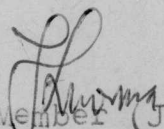
W.C.

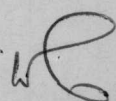
him a fresh cause of action. By the aforesaid order the applicant's claim petition was dismissed on the ground that it was not maintainable under section 33(e) (2) of Industrial Disputes Act. In the relief clause there is no prayer that this order be quashed. The learned counsel for the applicant submitted that he has annexed a copy of this order of the Labour Court only to say that the application is not barred by limitation.

5. We are not able to agree. ^{Even if} we assume that the applicant was arongly advised to approach the Labour Court under section 33(c)(2), the question remains whether this Tribunal would have entertained the applicant's petition if the same was filed ⁱⁿ ~~for~~ the first instance before the Tribunal. The answer is in the negative since the cause of action had arisen in 1979 and, therefore, the case was not only time barred but also did not come within the jurisdiction of the Tribunal as the cause of action had arisen more than ^{three} ~~five~~ years prior to the date on which the Administrative Tribunals Act, 1985 has come into force.

6. Even otherwise the averments in the OA are extremely sketchy and does not make ^{out} any case for ^{any} ~~any~~ interference.

7. In view of the foregoing, this application is dismissed, in limine, both on the ground of being time barred and devoid of merit.


Member (J)


Member (A)

Dube/