

CENTRAL ADMINISTRATIVE TRIBUNAL
ALIAHABAD BENCH, ALIAHABAD.

Dated : The 8 April , 1997.

CORAM : Hon'ble Dr. R.K. Saxena, J.M.
Hon'ble Mr. D.S. Baweja, A.M.

ORIGINAL APPLICATION NO. 884 OF 1996.

Ayodhya Tiwari, S/o Shri Harbans Tiwari,
 R/o Village Ranka Baulia, P.O Garhwa,
 District-Garhwa, Bihar.

..... Applicant.

C/A Shri K.N. Pandey.

Versus

1. The General Manager,
 Railways, Baroda House, New Delhi.
2. The Divisional Manager,
 Northern Railway, Dhanbad, Bihar.
3. The Divisional Manager,
 Eastern Railway, Dhanbad, Bihar.
4. The Union of India, through Secretary,
 Ministry of Railways, New Delhi.

..... Respondents.

ORDER (ORAL)

By Hon'ble Dr. R.K. Saxena, Member (J).

1. The applicant Ayodhya Tiwari has approached the Tribunal to seek the relief that the termination of the services of the applicant be declared illegal and one of his sons be directed to be given appointment. The second relief claimed is that the applicant be declared entitled for damages and compensation from the respondents because he had received serious

injuries causing fractures and permanent disability to him while he was discharging his duties.

2. The Original Application is at the stage of admission. Shri K.N. Pandey learned counsel for the applicant has appeared and argued at length. He also admits that the case for compensation under Workman Compensation Act was instituted before the proper authority and the same was decided in favour of the applicant. In this way, the relief of the declaration that the applicant is entitled for compensation, is not maintainable before this Tribunal. The reasons are that firstly the Tribunal is not a proper forum for the said relief; and secondly, as is admitted by Mr. K.N. Pandey, the compensation was already granted.

3. So far as the first relief in the Original Application about declaring the termination of the services of the applicant as illegal is concerned, we find that this Original Application is time-barred. The reason is that according to the applicant himself, the order of the termination of the services of the applicant was filed on 30.8.1996. *passed on 14-8-70 and this O.A was*

In this way, the order of the termination has been challenged after about 26 years. Besides, we also find that the applicant was only a Casual Labour and he had not acquired any right. For all these reasons, the Original Application is dismissed.

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MEMBER (A)

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MEMBER (J)