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OPENCOURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 23rd DAY OF MARCH, 1998

Original Application No.424 of 1997

HON.MR.S.DAYAL, MEMBER(A)

HON.MR.S.L.JAIN, MEMBER(J)

Laxman Prasad aged about 40 years  
Son of Sri Heera Lal, resident of  
House no. 86, Inside Laxmi Gate,  
Jhansi.

... . . Applicant

(By Adv: Shri R.K. Nigam)

Versus

1. Union of India through General Manager, Central Railway, Mumbai C.S.T.
2. Divisional Railway Manager Central Railway, Jhansi
3. Chairman, Loco Staff Canteen Assistant Mechanical Engineer, Central Railway, Jhansi

... . . Respondents

O R D E R

HON.MR.S.DAYAL, MEMBER(A)

Through this application u/s 19 of the A.T. Act 1985 he has come to this Tribunal for a declaration that the applicant has been in continuous service since 13.9.88 and is entitled to salary and allowances.

2. A direction is also sought for issuing a mandamus to the respondents to immediately redeploy the applicant in service in Loco Staff Canteen on any post with normal pay scale in class IV category. The applicant himself has filed a reply to the respondents in payment of wages case no. 26/89 in which the respondents had mentioned that the applicant and others abandoned their work without informing their officers w.e.f. 14.9.88 and ispite of issuance of a letter dated 13.9.88 they did not resume their duties. The respondents in the reply to the payment of wages application before Payment of Wages Authority had also mentioned that the applicants had worked from 1.7.88 to 13.9.88 and they were entitled to Rs.834/- as their salary which they had not taken deliberately. The

S.(SJM)

learned counsel for the applicant admits that this payment of wages case has been withdrawn on 10.3.97. They had done this mentioning that ~~they~~ <sup>were</sup> withdrawing it because the matter was justiciable only before the C.A.T, Allahabad.

3. Admittedly, the cause of action in this case had arisen on or about 14.9.88. This application has been filed on 10.4.97 after a lapse of ~~near~~ 9 years. Filing an application before Payment of Wages Authority did not bar the applicants from approaching the CAT at the appropriate time for relief because the relief at that time was for denial of work and the wages etc would only <sup>be</sup> a consequential relief thereto. We find that this case is barred by the law of limitation and is therefore not admitted.

3/23/98  
JL  
MEMBER (J)

MEMBER (A)

Dated: 23rd March, 1998

Uv/