

(17)

CENTRAL ADMINISTRATIVE TRIBUNAL

ENCH

THIS T 13TH DAY OF NOVEMBER, 2002

Original Application No.855 of 1997

CORAM:

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

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

Vinod Kumar Tiwari, Son of
Shri Ram Pyarey Tiwari
R/o village Nagpur, district Mau

... Applicant

(by Adv: Shri V.K.Srivastava)

Versus

1. Union of India through its
General Manager, North Eastern
Railway, Gorakhpur.
2. Divisional rail Manager,
North Eastern Railway, Laharthara
Varanasi.
3. Station Superintendent
VARANASI City, North Eastern
Railway, Varanasi.

...respondents

(By Adv: shri G.P.Agrawal)

O R D E R (Oral)

JUSTICE R.R.K.TRIVEDI,V.C.


By this OA u/s 19 of A.T.Act 1985, the applicant has prayed for a direction to the respondents to screen the applicant and regularise him against Group 'D' post in the pay scale of Rs 750-940 since the date his juniors were granted regularisation. The case of the applicant is that he was engaged in 1981, he worked upto 25.8.1988. Thereafter he was not allowed to work. His juniors were granted regularisation by order dated 24.1.1992, copy of which has been filed as (Annexure 8). The learned counsel for the applicant has submitted that applicant is entitled for the same relief.

Shri G. Agrawal learned counsel appearing for the respondents on the other hand, submitted that after 1988 applicant himself left the work and he did not report for working as casual labour. This OA has been filed on 13.8.1997 i.e. after about 9 years and the applicant is not legally entitled for any relief. This OA is liable to be rejected as time barred. It is also submitted that the alleged juniors to the applicant were regularised on 24.1.1992 in pursuance of the order passed by Patna Bench of this Tribunal in OA No.411/90 and M.P.No.50/91, it is submitted that the applicant filed this OA more than five years after his alleged juniors were regularised. From this angle also this application is highly time barred and is liable to be rejected.

We have considered the submissions made by the counsel for the parties. The counsel for the applicant has stated that the applicant has prayed for condoning the delay in filing the OA. We have considered the same, however, we do not find that there is any plausible explanation for this long and inordinate delay. If the applicant was not allowed to work after 1988 he should have approached the Tribunal immediately after, ^{that} but he has chosen to file this OA only after 9 years. Even if for the sake of arguments it is accepted that the cause of action arose to him in 1992, ^{when} ~~with~~ juniors are regularised, then also there is delay of five years for which there is no explanation. In the circumstances, applicant is not entitled for any relief.

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The s dismissed as time barred. No
order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 13th November, 2002

Uv/