

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 12th day of April, 2002.

Original Application No. 1504 of 1998.

CORAM:-

Hon'ble Mrs. Meera Chhibber, J.M.

1. Nand Lal Son of Pitai
Resident of Village Japarpur
P.O. Pattirahas Kaithaval,
District Raibareilly.
2. Bhabhuti Son of Bholu Gupta,
R/o Village Japarpur,
Post Patti Rahas Kaithaval,
District Raibareilly.
3. Jagat Pal Son of Badai,
R/o Village Japarpur
Post Patti Rahas Kaithaval,
District Raibareilly.

(Sri R.N. Bhakta, Advocate)

..... . Applicant

Versus

1. Union of India, Ministry of Railway
through Secretary, New Delhi.
2. Divisional Railway Manager,
Northern Railway, Lucknow.
3. Assistant Engineer N.R. Prayag,
Allahabad.
4. Permanent Way Inspector (P.W.I.),
(Special), Unchahar, Raibareilly.

(Sri Pashant Mathur, Advocate)

..... . Respondents



O R D E R

By Hon'ble Mrs. Meera Chhibber, J.M.

This DA has been filed by three applicants seeking a direction to the respondents to consider the applicant for permanent appointment as Gangman and for payment of salary month to month as and when it falls due in terms of Ministry letters dated 15-12-1997 and 17-12-1997.

2. The respondents have contested the DA on the ground that the DA is hopelessly barred by limitation as they have admittedly ceased to work in the year 1975, 1978 and 1980 whereas they have filed the present DA in the year, 1998. In support of their contention they have relied on the case of Rattan Chand Samanta's decision given by the Hon'ble Supreme Court and the Full Bench judgement given by the Tribunal in the case of Mahabir Prasad and other several judgements given by Hon'ble Supreme Court. I have seen the pleadings and agreeing with the respondents that this case is fully covered by the judgements mentioned above as in Rattan Chand Samanta's case the Hon'ble Supreme Court has held that appeal itself deprives of a person of his remedy available in law and a person who loses remedy by lapse of time loses his right as well. In Mahabir Prasad's case, the Full Bench of the Tribunal has held that the law of limitation applies to casual labourers itself and arises cause of action when they are disengaged and if they do not approach the Tribunal within the limitation period of one year their DAs would be barred by limitation. In this case, admittedly, the applicants had last worked in the year, 1978 and 1980 as per their own saying where as the DA has been filed in 1998, that too, without an application for condonation of delay. The applicants



have not even bothered to give any plausible explanation for delay in approaching the Tribunal and as per the Hon'ble Supreme Court's judgement reported in 2000 Vol II S.A.I.L.J. SC 89, the Tribunal cannot entertain petitions barred by limitation and limitation cannot even be waived unless it has been applied for. The Ministry letter referred to in the DA does not give any fresh cause of action to the applicant as by this letter the representations of the applicants have simply been forwarded to the Divisional Railway Manager, which does not give any right to the applicants. Since the DA is fully covered by the law laid down by the Hon'ble Supreme Court and the Full Bench of the Tribunal, the DA is dismissed on the grounds of limitation. There shall be no order as to costs.

Member (J)

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