

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.491 OF 1998
ALLAHABAD THIS THE 19TH DAY OF SEPTEMBER,2003

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

Mukesh Chand Seth,
S/o Late Sri Tara Prasad,
aged about 38 years,
house no.184 Subhash Nagar,
Bareilly (U.P.)
worked as a Casual Labourer in
R.M.S. Office Bareilly (U.P.).

.....Applicant

(By Advocate Shri R.C. Pathak)

Versus

1. The Union of India,
through the Secretary for Telecommunication,
Ministry of Telecommunication Sanchar Bhawan,
New Delhi.
2. The Directorate General (Postal) (R.M.S.)
Directorate of Telecommunication (Postal) (R.M.S.),
Sanchar Bhawan, New Delhi.
3. The Post Master General,
Post Master General Office,
Civil Lines, Bareilly, U.P.
4. The Senior Superintendent,
Railway Mail Service R.M.S.,
City Station Bareilly (U.P.).
5. The Superintendent,
Head Record Office R.M.S.,
Bareilly Station,
Bareilly (U.P.).

.....Respondents

(By Advocate Shri D.S. Shukla)

ORDER

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

In this D.A., filed under section 19 of Administrative Tribunals Act 1985, the applicant has prayed for direction to respondent no.4 and 5 to appoint the applicant on regular post of Casual Labour or Matiman in the respondent's establishment and also for regularisation in view of the judgments of Hon'ble Supreme Court, ^{W. N. N. A.} High Courts and Central Administrative Tribunal in regard to regularisation and also in consonance to the rules on the subject. The applicant has also prayed that in case there is no vacancy, his case may be considered for adjustment against future vacancies.

2. The grievance of the applicant is that though he was the senior most but his juniors have been appointed on regular basis but the claim of the applicant has been ignored by the respondents. The learned counsel for the applicant also submitted that since the fresh labourers were appointed on six month basis on 15.03.1998, the cause of action arose to the applicant on 15.03.1998. The action of the respondents is arbitrary, illegal and discriminatory.

3. Shri D.S. Shukla, learned counsel for the respondents on the other hand, opposed the claim of the applicant and invited my attention to para 6,7 and 12 of the CA filed by the official Respondents and submitted that the applicant worked as a casual labour during 1997 for about six months in leave ~~vacancy~~. He further submitted that the claim of the applicant cannot be considered at this stage and he has no right of claiming any seniority only on the basis that he worked in the leave vacancy for six months. The learned counsel for the applicant on this point submitted that those who have been appointed were also on the leave vacancy and, therefore, the

claim of the applicant is justified.

4. Heard counsel for the parties, considered their submissions and perused records.

5. The applicant has filed a certificate dated 2.11.1982 from Sub- record officer, Bareilly regarding the working of the applicant as Casual Labour in R.M.S. office, Bareilly, from Ferbruary to July 1979 @ 91 Paise per hour. Since the applicant has not worked thereafter in the respondent's establishment, I do not consider it appropriate to get the representation of the applicant dated 29.01.1998 decided. If the applicant was ^{in need of work} really in need of work, he should have approached the respondent after July 1979. There is nothing on record to show that the applicant ever approached the respondents after July 1979 upto Dec' 1997. Therefore, no claim of the applicant is established. The O.A. is grossly time barred under section 21 of the Administrative Tribunals Act 1985 and the same is accordingly dismissed.

6. There shall be no order as to costs.



Member-A

/Neelam/