

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 08th day of December 2000.

Original Application no. 504 of 1998.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member

Kewala Prasad Pandey, S/o Sri Brahamdeen Pandey,  
R/o Village Barethi, Post Barethi, District Allahabad.

... Applicant

C/A Shri H.P. Pandey

Versus

1. Union of India through General Manager,  
N. Rly., Baroda House, New Delhi.
2. Divisional Rail Manager,  
Allahabad.
3. Divisional Personnel Officer,  
Allahabad.

... Respondents

C/Rs Sri A.K. Gaur

O R D E R ( Oral )

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Shri Kewala Prasad Pandey has come up seeking relief to the effect that the respondents be directed to send the name of the applicant for regularisation and re-engagement in pursuance of Railway Board circular dated 08.9.1996 and also to re-engage the applicant since the junion of the applicants having less working days, have been re-engaged.

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2. As per applicant's case, he worked as casual labour under P.W.I., Allahabad during the year 1976-77 for more than 240 days and, therefore, he is entitled to relief sought.

3. The respondents have contested the case, filed counter-reply, admitted the fact that from 05.3.1976 to 05.4.1977, the applicant has worked under P.W.I, Allahabad for total number of 397 days and left his service on 05.4.1977 and did not return back to join and, therefore, his name has not been recorded in Live Casual Labour Register. It has also been mentioned that the applicant never approached to get his name entered in the Live Casual Labour Register. The respondents have also raised the objection regarding maintainability of the matter being barred by period of limitation as prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. Heard the learned counsel for the parties and perused the record.

5. It is not in dispute that the applicant last worked with the respondents in the year 1977 and not thereafter, and has filed this O.A. in the year 1998. It is also evident from annexure A-11 that a seniority list was published by the respondents in the year 1988 and circulated on 25.7.1989, which does not contain the name of the applicant but, the applicant did not agitate against it till filing of this O.A.

6. From the above, I find that the O.A. is grossly barred by period of limitation as prescribed under Section 21 of the Administrative Tribunals Act, 1985 and there is also no explanation for the delay or the request for condonation of delay and, therefore, the O.A. fails on this count and dismissed accordingly. No order as to costs.

A handwritten signature in black ink, appearing to be 'S. K. Singh', written over the typed name 'Member (J)'. The signature is fluid and cursive.

Member (J)

/M.M./