

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 686 of 1998

Allahabad this the 16th day of October, 2000

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

Naseem Ahmad, S/o Mumtaj Ahmad, R/o Village and
Post Office Jaitpura, District Deoria.

Applicant

By Advocate Shri A.N. Tripathi

Versus

1. Union of India through Ministry of Communi-
cation, New Delhi.
2. Sub Division Officer(Telegraph) Deoria.
3. Telecom Distt. Manager, Mau.

Respondents

By Advocate Shri Satish Chaturvedi

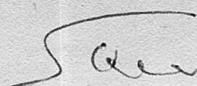
O R D E R (Oral)

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

The applicant has come up seeking
relief to the effect that he be given work and
be considered for regularisation of his services
on his turn.

2. As per the case of the applicant, he

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worked for 107 days in the year 1984 during January, to July and for 72 days in 1987 during the months of February, March and April and thereafter he was not engaged inspite of his having been selected as casual labour vide order dated 03.9.1983, copy of which has been annexed as annexure no.3 to the OA. The applicant has further mentioned that he made representations to the respondents for being engaged as casual labour and also personally appeared to make request, but of no avail, hence he has come up before the Tribunal.

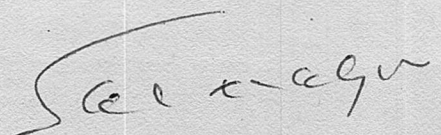
3. The respondents have contested the case and mainly on the ground that the applicant has not even completed 240 days for continuous 2 years and, therefore, cannot put his claim as prayed.

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

5. The preliminary objection from the side of the respondents is that the matter is grossly barred by period of limitation as provided under Section 21 of the Administrative Tribunals Act. Considered the preliminary objection and I find that the applicant has moved an application under Section 5 of the Limitation Act to condone the delay. The reasons ^{has been} of the delay ~~has been~~

mentioned that whenever he appeared or made representation to the respondents, he was assured that he will be provided with some job and relying upon those assurance, he kept waiting and it was only on 17.4.1998 that he was informed that he need not to make any more representation because they have decided that the applicant should not be given any job, and then he approached the court. There is delay of about 11 years and it can hardly be believed that the applicant kept waiting only on promises and did not opt for judicial recourse. Under the circumstances, the explanation for the delay is not acceptable and thereby the prayer to condone the same, is refused.

6. For the above, the O.A. is dismissed for being barred by period of limitation. No order as to costs.


Member (J)

/M.M./