

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 77 of 1998

Allahabad this the 04th day of July, 2001

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

Virendra Kumar Sharma Son of Shri Hardwar Sharma,  
-Agead about 35 years, resident of village Mohanpur  
(Gulharia) District Gorakhpur.

Applicant

By Advocates Shri O.P. Gupta  
Shri A.K. Gupta

Versus

1. Union of India through the General Manager,  
North Eastern Railway, Gorakhpur.
2. Permanent Way Inspector, North Eastern Railway,  
Gorakhpur.
3. Chief Mechanical Engineer, North Eastern Railway,  
Gorakhpur.

Respondents

By Advocate Shri Lalji Sinha

O\_R\_D\_E\_R ( Oral )

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

Shri Virendra Kumar Shamra has filed  
this O.A. seeking relief to the effect that the  
respondents may be directed to call the applicant  
in the next screening and to regularise him as  
Class IV employee and also that his name be in-  
cluded in Live Casual Labour Register. The applicant

:: 2 ::

has pressed this prayer on the strength of his having worked for 145 days<sup>vs</sup> in between 30.09.79 to 16.03.80 in different spells. He also claims to have worked for 15 days in September, 1985. The applicant has grievance that juniors to him with lesser number of working days have been given service benefit, but his claim has been ignored. Due to his illness in between August, 1987 to November, 1987, he could not pursue the matter. His representation to the authorities in the department remained without any result. He has filed annexure A-11 which is copy of representation dated 20.12.967 Having last hope for redressal by the departmental authorities, he has come up seeking above reliefs.

2. The respondents have contested the case, filed counter-reply wherein the facts narrated in the O.A. have not only been disputed but a preliminary objection regarding bar of limitation has also been raised.

3. Heard counsel for the parties and perused the record.

4. As per own case of the applicant, he worked for 46 days in the year 1979 and 99 days in the year 1980 in different spells. He also worked for 15 days in September, 1985 and never thereafter. Learned counsel for the applicant mentions that as per annexure-5, he worked for 60 days from 15.5.85 to 13.7.85 apart from 15 days in the year 1985.

SAC

...pg.3/-

:: 3 ::

5. Whatever the actual position may be but it is quite clear from the pleading and the document of the applicant that he was not engaged after 13.07.85 and did not move to show his readiness to work further <sup>upto</sup> ~~upto~~ 20.12.1997, when he moved representation(annexure A-11), and now he has filed this O.A. on 19.1.1998 i.e. definitely after more than 13 years with no acceptable explanation for not putting any move earlier. The law of limitation as per Section 21 of the Administrative Tribunals Act, 1985 has been dealt at length and settled by Hon'ble Apex Court while dealing with Ramesh Chandra <sup>TM</sup> Shama's case(2000 S.C.C. (L&S) page 53), wherein it has been held that Administrative Tribunal could not admit the application and dispose <sup>it</sup> ~~of it~~ on merit,if filed beyond ~~the~~ period of limitation.

6. For the above, I find the O.A. is grossly barred by period of limitation, hence dismissed .

No cost.

  
Member (J)