

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1097 of 1998

Allahabad this the 19<sup>th</sup> day of February, 2004

Hon'ble Mr.A.K. Bhatnagar, Member (J)

Namo Naryan Shukla, Son of Om Prakash Shukla, R/o  
Village Madhopur, P.O. Purechanda, Jagdishpur, Post  
Tharwai, District Allahabad.

Applicant

By Advocate Shri Satish Dwivedi  
Shri Anil Dwivedi

Versus

1. Union of India through the Controller & Auditor  
General Of India, New Delhi.
2. The Principal Accountant General, Uttar Pradesh  
Allahabad.

Respondents

By Advocate Shri S.K. Anwar

O R D E R

By this O.A. the applicant has sought the  
following reliefs;

- (i) An appropriate order/direction be issued to  
the respondent no.2 to enter the name of the  
applicant in the seniority list of casual  
labour.
- (ii) An appropriate order/direction be issued to  
the respondent no.2 to engage the applicant  
as per seniority of casual labours and also  
consider his regularisation on a regular  
Group 'D' post in future vacancy.

*Dr*

(iii) To pass any other and further order which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case. "

2. The case of the applicant in brief is that he was engaged in August, 1984 as daily rated casual labour in the Office of Principal Accountant General U.P. Allahabad and he worked since August, 1984 to 01.03.1986 with unblemished service record and with entire satisfaction of his superiors. It is also claimed by the applicant that during the period August 1984 to March, 1986 the applicant has completed 240 days in one calendar year of his engagement as casual labour. The grievance of the applicant is that after 1986 a large number of casual labours including juniors to the applicant have been engaged and regularised on Group 'D' post but the case of the applicant has not been considered for engagement and regularisation.

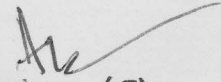
3. The O.A. has been contested by the respondents by filing the counter-reply. In para-9 of the same, it has been specifically averred that the applicant worked only for total number of 89 days only in January to June, 1985 in a broken spells and left the job of casual labour in June, 1985 and never turned up again. It is also submitted by the respondents counsel that the O.A. has been filed on 25.09.1998 after expiry of period of about 14 years. Thus, the O.A. which is grossly barred by limitation, is liable to be dismissed and applicant is not entitled for any relief.

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

5. Learned counsel for the applicant has invited my attention to annexure A-1 as a proof of his working period. I have perused the same and in my considered opinion it does not help the applicant in showing the period of work, as stated by the applicant. It is only a character certificate issued by the Deputy Accountant General dated 29.08.1985.

6. Learned counsel for the respondents placed reliance on the Judgment of this Tribunal passed in Diary No.1101/02 passed on 18.02.2003, and submitted that the present case is also covered by this order. After perusal of the aforesaid order, I find that the facts of the present case are similar to the aforementioned case(Diary No.1101/02 decided on 18.02.2003).

7. In view of the above facts and circumstances and in respectful agreement with the Judgment cited above, I am of the view that the applicant is not entitled for any relief. The O.A. is dismissed as grossly time barred. However, the respondents are at liberty to consider the case of the applicant for any future engagement or existing vacancy in case the applicant applies afresh keeping in view his past services, if any. No order as to costs.

  
Member (J)

/MIM./