

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 6th day of November 2003.

Original Application no. 785 of 2001.

Hon'ble Maj Gen K K Srivastava, Member (A).

Asharam, S/o Sri Ram Surat,
R/o Military Farm,
AGRA.

... Applicant

By Adv : Sri V.P. Shukla

Versus

1. Union of India through Secretary,
Ministry of Defence, Govt. of India,
NEW DELHI.
2. Dy. Director General, Military Farms,
Army H Qrs., Quarter Master General Branch,
R.K. Puram,
NEW DELHI.
3. Military Officer Incharge,
Military Farm,
AGRA.

... Respondents.


By Adv : Sri G.R. Gupta.

ORDER

Hon'ble Maj Gen K K Srivastava, Member (A).

In this OA, filed under section 19 of the A.T. Act, 1985, the applicant has prayed for direction to appoint the applicant as permanent labour and given seniority over the persons who were junior to him with all back wages and consequential benefits. He has also prayed for grant of temporary status and promotion over persons junior to him.

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2. The facts, in short, are that the applicant was appointed as Casual Worker in Military Farm (in short MF) Agra in November 1992 and, as per the applicant, his services were regularised and he was granted temporary status in the said farm w.e.f. 20.01.1996 (Ann A1). He worked upto December 1998 continuously. However, as per the applicant, his services were terminated by oral order without any rhyme or reason. The applicant made representation on 08.01.2001, but the same remains pending. The applicant alongwith two others moved Industrial Tribunal, Kanpur vide Industrial Dispute case no. 68 of 2000. However, it was decided by the Industrial Tribunal that Industrial Tribunal does not have jurisdiction to entertain this dispute. Thereafter, he made representation on 08.01.2001 and has approached this Tribunal.

3. I have heard learned counsel for the parties, considered their submissions and perused the record.

4. The applicant has annexed his representations dated 23.5.1997 (Ann A5) and 02.07.1997 (Ann A7). In both the representations, he has requested the Officer-in-charge, MF Agra to give him work in any of the department. It makes it clear that in 1997 he was not in continuous employment. With reference to the averment of the applicant that he was accorded temporary status, I perused annexure A 1 which has been made the basis of such averment. On Perusal of annexure A1 I find that it is the seniority list of Daily Labour at MF, Agra and no where it has been shown that the applicant was granted temporary status. It has already been pleaded by the applicant that he approached Industrial Tribunal, Kanpur by filing Industrial Dispute case

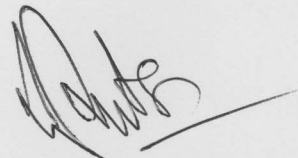
....3/-



no 68 of 2000. Even in the counter affidavit, the respondents have accepted that the applicant worked from November 1992 to December 1998, but not continuously. He worked for only few days during 1994, 1995, 1996, 1997 & 1998. It is an admitted fact that the applicant did not work in the respondent's establishment after December 1998. However, the applicant has not been specific in his averment that upto what date in December 1998 he worked in the respondent's establishment. Therefore, we take 31.12.1998 as the date for cause of action.

5. Under Section 21 of the A.T. Act, 1985, the applicant should have approached the Tribunal within one year i.e. by 31.12.1999. Instead of coming to the Tribunal the applicant approached Industrial Tribunal in the year 2000. Taking year 2000 for limitation purposes I have no hesitation to observe that the applicant did not file the case before Industrial Tribunal within time, as prescribed under Section 21 of the A.T. Act, 1985 because the period of limitation has to be counted from 31.12.1998.

6. In view of the above the OA is dismissed as time barred with no order as to costs.



Member (A)

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