

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

Registration T.A. No. 681 of 1986  
( O.S. No. 479 of 1985 )

Vijai Kumar Dattaley ... .. Applicant.

Versus

Union of India  
and another ... .. Respondents.

Hon. Mr. Justice U.C. Srivastava, VC.  
Hon'ble Mr. K. Obayya, Member (A)

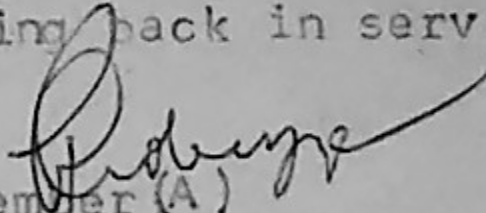
( By Hon. Mr. Justice U.C. Srivastava, VC )

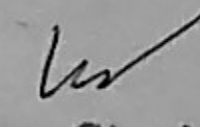
This is a transferred case under Section 29 of the Administrative Tribunals, Act 1985. The applicant filed a suit on 11.3.1985 in the court of Munsif 'I' Jhansi praying that a decree of declaration be granted in favour of the applicant granted the action of the respondents removing the applicant from service on 31.12.1981 is illegal, ultravires, unconstitutional and is violative of Sections 25F and 25 G of the Industrial Disputes Act and an injunction may also be granted in his favour directing the respondents to grant him a regular grade.

2. The applicant was initially appointed on 3.4.1977 as Casual Khallasi and he has put in more than 240 days in service and he has attained a temporary status but his services have been terminated without following the principle of first come last go. The respondents have not filed any written statement but a plea has been raised by means of an application filed by the respondents that the suit is barred by time. Apparently, the suit of the plaintiff is barred

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by time, as such, the same has got to be dismissed. But, merely because the suit is dismissed, it does not mean that the applicant can not approach ~~to~~ the Railway Authorities and if the applicant gets success in satisfying the Railway authorities that similarly placed persons have been taken in service, the case of the applicant shall also be considered by the railway authorities for taking back in service. No order as to costs.

  
Member (A)

  
Vice-Chairman

Dated: 29.9.1992.

(n.u.)