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Reserved

Central Administrative Tribunal, Allahabad.

Registration Review Application No.15 of 1987
in Original Application No. 252 of 1987

Pratipal Singh Applicant

Vs.

Chairman Railway Board
and others Respondents.

Hon. D.S.Misra, AM
Hon. G.S.Sharma, JM

(By Hon. G.S.Sharma, JM)

This application is directed for the review of our order dated 18.5.1987 summarily dismissing O.A.No.252 of 1987 filed by the applicant at the admission stage on the ground of limitation.

2. Two points have been canvassed before us ; first, we did not consider the prayer for condonation of delay made by the applicant in his petition and second, in view of the decision of the Hon'ble Supreme Court in the case of Dakshin Railway Employees Union Vs. G.M.Southern Railway reported in 1(1987) ATLT-432, the petition should not have been dismissed. Regarding the first contention, we are of the view that at the time of hearing of the petition of the applicant for admission, no specific ground to condone the delay was pressed before us. It is clear from the observation made in the order sought to be reviewed " there is nothing else to explain the delay on behalf of the applicant". In any case, we will like to consider the explanation given by the applicant to condone the delay now. Such explanations are stated in clauses (7) and (8) of para 6 of the petition. In clause (7), it has been stated that the applicant approached the IQW and other higher authorities and orally brought the facts to their

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knowledge and ultimately filed an appeal on 25.3.1985 but did not get any reply. We have considered the fact of filing the appeal by the applicant and have also given due consideration of this fact in computing the period of limitation. In clause (8), it has been stated that the applicant had been making vain efforts to redress his grievance and ultimately on 14.8.1986, sent a notice under section 80 of the Code of Civil Procedure to the Divisional Railway Manager but did not receive any reply. We have considered even the fact of giving the notice by the applicant in our order and it was observed that the notice given by the applicant could not extend the prescribed period of one year of the limitation and it should not run from the date of the notice. There is, therefore, no force in the first contention of the applicant.

3. Regarding the second point, it has to be mentioned that we have carefully gone through the judgment relied upon by the applicant, which has no application to his case. The Hon'ble Supreme Court had interpreted in that case paragraph 5.1 of the circular issued by the Railway Board to the General Managers for absorbing casual labourers. That circular was issued by the Railway Board in accordance with the directions of the Hon'ble Supreme Court given in the case of Indra Pal Yadav Vs. Union of India (1985(2) SCC-648). The Hon'ble Supreme Court had directed in this case that all persons who desire to claim the benefit of the scheme on the ground that they had been retrenched before Jan.1981 should

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submit their claims to the administration before March 31, 1987. The contention of the applicant is that he had already submitted his claim in 1986 and his case is covered under the direction of the Hon'ble Supreme Court. In our opinion, it is not so. The direction was given to those retrenched casual labourers who were retrenched prior to Jan.1, 1981. The applicant is shown to have been retrenched on 15.11.1984 and as such, the directions given in that case have no application to this case. In any case, we may make it clear that ~~that~~ the summary dismissal of the claim petition of the applicant by us on the ground of limitation will not come in his way in case he can get any benefit from the railway administration on account of his allegedly working as casual labourer for a long time. ^{under any policy of the Railway Board.} On merits there is no force in this review application.

4. The application is accordingly rejected with the aforesaid clarification.

[Signature]
12.8.87
Member (A)

[Signature]
12/8/87
Member (J)

Dated 12.8.1987
kkb