

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

ORIGINAL APPLICATION NO. 156 OF 1987

Luxmi Narain

..... Applicant

Versus

Divisional Railway Manager,
Jhansi

..... Respondent

Hon'ble Ajay Johri- Member (A)

Hon'ble G.S.Sharma- Member (J)

(Delivered by Hon'ble G.S.Sharma)

...

The applicant challenges the validity of the oral order dated 23-3-83 of his retrenchment passed by the respondent. It is alleged that he was originally appointed as Casual Labour (Mason) on 19-1-78 and had completed more than one year service as such and had acquired the status of temporary Railway servant as a Mason and keeping the persons junior to him in the service, he could not be retrenched illegally in contravention of the provisions of Section 25-F and 25-G of the Industrial Disputes Act, 1947. He has accordingly prayed that he be deemed to be in continuous service as Mason and his impugned retrenchment is arbitrary, illegal and unconstitutional.

2- It appears from the representation dated 27-1-1986 (copy Annexure-I) of the applicant that he is without any charge since 18-10-82 for want of any post or work. He made another representation on 22-8-86 (copy-Annexure-III) stating that he was retrenched for want of sanction of any work in the office of Works Inspector (Construction) Jhansi and he be taken on work. Contrary to this, it was orally submitted before us at the time of hearing of this application for admission that the applicant is still in service and he is occasionally working as a Casual Labour, but he is not allowed to work continuously. The representations (Annexure-I & III) of the application, however, did not bear out this fact and show that the

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applicant has not been given any work since 18-10-1982. This petition having been filed on 13-2-1987 is, therefore, badly barred by limitation prescribed by Section-21 of the Administrative Tribunal Act, 1985.

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It is accordingly dismissed summarily.

अनुराग शर्मा
A.M.

अनुराग शर्मा
3/3/87
J.M.

Dt/-3-3-1987/
Shahid.