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Reserved

Central Administrative Tribunal, Allahabad.

Registration O.A.No.573 of 1987.

Yadu Nath Singh Applicant
Vs.

Chairman, Railway Board
and others Respondents.

Hon. Ajay Johri, AM
Hon. G.S.Sharma, JM

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

This petition under Section 19 of the Administrative Tribunals Act XIII of 1985 was filed on 1st July 1987 by the applicant for his appointment in the regular establishment of the Indian Railways and in the alternative for an appointment on muster roll on the basis of his previous service.

2. It is alleged that the applicant continuously served the Northern Railway as Mason Mistry at Kanpur in muster roll on daily wages from 8.8.1980 to 28.4.1984 but he was retrenched from service, throwing him out of employment. It is alleged that under G.M's letter no. 220/E/190/5/15(E-4) dated 9.11.1982, his services should be regularised. Representations are alleged to have been made against his retrenchment on 15.6.1984, 18.3.1985 and 9.8.1986.

3. After hearing the learned counsel for the applicant at the stage of admission, we felt that this petition is not within the period of limitation prescribed by Section 21 of the Administrative Tribunals Act XIII of

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1985 and it was then requested on behalf of the applicant that in case we issue a notice to the respondents to show cause against this petition, he may get the required relief from the Department. We have carefully considered the contention raised before us. In case the respondents wanted to give any relief to the applicant, no one had prevented them from doing so on receiving his 3 successive representations. So far as this Tribunal is concerned, it has to act according to law and the existing rules. The applicant having already been retrenched from service more than a year before the Administrative Tribunals Act XIII of 1985 came into force, he could prefer his petition within 6 months from the date of the establishment of the Tribunal i.e. upto 30.4.1986. The petition having been preferred more than 1 year thereafter is clearly barred by limitation and we see no good ground to condone the delay. As already stated above, we do not find it expedient to issue a notice of this petition to the respondents when we find the same clearly barred by time.

4. The petition is accordingly dismissed as time barred.

3/3/87

Member (A)

*Subhadeep
27/7/87*

Member (J)

Dated 27.7.1987
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