

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 1044 of 1992

THIS THE 21<sup>st</sup> DAY OF OCTOBER, 1997

HON.MR.JUSTICE B.C.SAKSENA,V.C.

HON.MR.S.DAS GUPTA, MEMBER(A)

Kaushal Singh, son of Sri Naunihal Singh  
At present working as Flagman(D.M.T.I.  
Allahabad) District Allahabad

... . . Applicant

(By Advocate Sri S.M. Srivastava)

Versus

1. Chief Controller (D.M.T.I.)  
Northern Railway, Allahabad.
2. Divisional Railway Manager  
Allahabad.

... . . Respondents

(By Advocate Sri Satish Chaturvedi)

O R D E R (Reserved)

JUSTICE B.C.SAKSENA,V.C.

We have heard the learned counsels for the parties. The facts giving rise to this O.A. lie in a short compass. The applicant's case is that he was appointed as a Khalasi by an order dated 6.7.1977 on daily wage basis, though a copy of the appointment letter is stated to be annexed as Annexure 1. it is not so. No appointment letter has been annexed. However, the respondents in their written statement have not ~~been~~ disputed that the applicant was engaged as a Khalasi on 6.9.77 and not 6.7.77. The applicant as a daily wager continued with certain breaks during the year 1986 to August 1989. The applicant alleges that he became seriously ill and proceeded on medical leave upto 12.4.89. He further alleges that he got medical leave extended and after recovery from illness reported to join his duty on 5.9.89 but he was not allowed to join. He states that a representation was made by him on 17.8.92 and he was informed verbally that his services have been terminated orally.

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2. The respondents in their counter affidavit have raised a plea of the OA being barred by limitation as it was filed after three years. They have further denied that the medical leave was sanctioned to the applicant or that it was extended as alleged by the applicant. The respondents case is that the applicant on his own left the job and did not report to work. They have pleaded that the applicant was only a daily wager and no written notice of termination was required.

3. We find that no good ground for explaining the delay in filing the OA has been indicated. Though in para 5 of the OA it has been stated that ~~the~~ <sup>applicant</sup> removed a number of applications to the DRM Allahabad and also to various authorities. Neither the date of representations have been indicated nor copies of the same has been filed except the representation dated 17.8.92, That representation was highly belated and affords no fresh cause of action.

4. The learned counsel for the applicant further submitted that certain persons whose names have been given in para 4(1) have been allowed to continue and are still working though they are ~~not~~ junior to the applicant. The respondents in their written statement have stated that the said persons were working regularly hence there is no similarity with the applicant. The OA deserves to be dismissed on the ground of being highly belated and also lacking in merits. It is accordingly dismissed. Parties to bear their own costs.

MEMBER(A)

Dated: October 21 1997

VICE CHAIRMAN

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