

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 28th day of August 2000.

Original Application no. 1553 of 1993.

Hon'ble Mr. S.K.I. Naqvi, Member-J
Hon'ble Mr. M.P. Singh, Member-A

Parmanand,

S/o Laxman,

R/o R.B.I. 6619 Rani Laxmi Nagar, Sipri,
JHANSI.

... APPLICANT

C/A Shri R.K. Nigam

Versus

1. Union of India, through
General Manager, Central Railway,
Jhansi.
2. Divisional Railway Manager,
Central Railway, Jhansi.

... RESPONDENTS

C/Rs. Sri G.P. Agarwal

Contd...2/-

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O R D E R

Hon'ble Mr. S.K.I. Nagvi, Member-J.

Shri Parmanand, while in the employment of respondent's establishment as Casual Labour (MRCL), ~~he~~ was issued a show-cause notice dated 16.09.87 to explain within 15 days, as to why his services should not be terminated on the ground that his casual labour card bearing no. 719567 contained enclosures to the effect that he worked earlier, ^{also,} but the entries were found forged and false and thereby, he obtained the appointment on the strength of such entries. The applicant did not respond to this notice within time allowed and when reported for duty, he was not allowed to work and, therefore, he has come before the Tribunal, seeking relief to the effect that the respondents be directed to allow the applicant to work and to assign grade, seniority and finally to absorb him as permanent Khalasi.

2. The respondents have contested the case and filed counter affidavit, mainly on the ground that when the applicant did not respond to the show-cause notice within time allowed and did not report on duty right from 1987, his services were terminated and there remains no master servant relationship between the respondents and the applicant and, therefore, the relief sought for cannot be granted to him.

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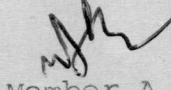
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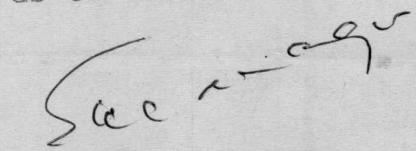
3. Heard learned counsel for the rival contesting parties and perused the record.

4. It is not in dispute that the applicant did not work with the respondents from September 1987. As per applicant's case, he was not allowed to work, whereas the respondents pleaded that the applicant neither reported for duty nor replied the show-cause notice. Whatever the position may be, if the applicant had any grievance it ^{accrued} ~~accorded~~ in September 1987 and this OA has been filed after six years, in the year 1993 and thereby grossly barred by period of limitation. With this position, there remains no necessity to enter into the merits of the case and there is no occasion to examine the referred case law from the side of the applicant cited as (1992) 19 ATC 22 and (1992) 20 ATC 348- The OA is dismissed accordingly being barred by period of limitation.

5. There shall be no order as to costs.



Member-A



Member-J

/pc/