

20.

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

this the 11TH DAY OF APRIL, 2002

Original Application No.560 of 1993

C ORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.C.S.CHADHA, MEMBER(A)

1. Anil Kumar Mishra, a/a 29 years,  
S/o Sri Ambika Prasad Misra,  
R/o Gram Kutiliya, Post Kutiliya(Jatwara)  
District Allahabad.
2. ~~Rajendra~~ Prasad Shukla, a/a 28 years  
S/o Shri Sheetla Prasad Shukls  
R/o Gram gisa Ka purwa  
Post Jetwara, district Pratapgarh
3. Mulka Ram, a/a 28 years,  
S/o Shri Shyam lal, r/o Gram rari  
Post Rari, Via Kishanpur, Tehsil  
KKhakha, district Phatehpur

... Applicants

(By Adv: Shri Satish Dwivedi)

versus

1. Union of India through  
The General manager, Northern railway  
Baroda House, new Delhi.
2. The Divisional railway Manager  
Northern Railway, Allahabad.

Respondents

...  
Respondents

(By Adv: Shri A.K.Pandey)

O R D E R \*(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 applicants have prayed for a direction to the respondents to give appointment to the applicants on the post of Class IV on which they have worked. The case of the applicants is that applicant no.1 Anil Kumar Mishra was engaged on casual basis on 23.4.1982. he worked upto 14.8.1982 for 104 days. In next year he was engaged from 1.5.1983 to 27.6.1993 i.e. for 58 days. thus, the total working days in two years were 172 days. It

24

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has been stated that after 26.6.1983 applicant was not allowed to work.

Applicant no.2 Rajendra Prasad Shukla was engaged as casual labour on 23.4.1985. He worked till 9.8.1985 for 104 days in total. Thereafter he was not allowed to work though his juniors were continued. Thus, the applicant no.2 has not worked ~~till~~ <sup>since</sup> 9.8.1985.

Applicant No.3 Mulak Ram Shukla was selected on 6.4.1980 and he worked till 14.8.1980 i.e. 122 days in 1980. In 1980-81 he worked from 1.5.1981 to 31.7.1981 i.e. for 92 days. In 1982 <sup>he</sup> worked from 1.5.1981 to 31.7.1981 i.e. 92 days in 1981 and then again as per rules in 1982 from 1.5.1982 to 30.6.1982 i.e. 61 days in 1982. In total his working days have been 275 days, but after 1982 he was not allowed to work. this OA has been filed on 8.4.1993.

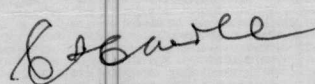
Shri A.K.Pandey counsel for the respondents raised preliminary objection that the applicants approached this Tribunal after a long delay for which there is no explanation and the OA is liable to be dismissed on the ground of limitation. He has relied on a Full bench Judgement in a case Mahabir and Ors Vs. Union of India & Ors OA 706/96 and other cases decided by Full Bench on 10.5.2000 <sup>which have been</sup> reported in Administrative Tribunals Full bench Judgements 1997-2001) at Pg-99. Shri Pandey has also relied on the judgement of Hon'ble Supreme court in a case of 'Ratan Chand Samanta and others Vs Union of India and Ors, 1993(4)SCC 67.

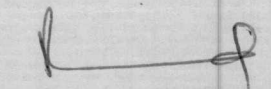
Shri Satish Dwivedi, learned counsel for the applicants on the other hand, submitted that the applicants filed this OA when the order dated 15.4.1996 <sup>u</sup> was issued by DRM, Northern railway and there is no delay.



We have considered the submissions of the counsel for the parties. It is not disputed that applicant no.1 and 3 were not allowed to work on their posts from 1982 and 1983 whereas applicant no.2 was not allowed after 9.8.1985. Thus this OA has been filed long after the period of limitation of one year prescribed by Section 21 of A.T.Act 1985. Even if the submission of Shri Dwivedi is accepted, that cause of action arose to the applicant after the order dated 15.4.1996<sup>ca</sup> was issued and the limitation is calculated from that date, then also there is delay of three years which has not been explained. In the circumstances, the applicants are not entitled for any relief.

The OA is squarely covered by the judgements of Hon'ble Supreme Court and Full bench. The application is accordingly dismissed as time barred. No order as to costs.

  
MEMBER(A)

  
VICE CHAIRMAN

Dated: 11.4.2002

Uv/