

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No: 773 of 1993

This 21st The Day of November, 1994

Chandra Bhushan Pandey
S/O Shri Tara Prasad Pandey
R/O 109/384 Ram Krishna Nagar,
Kanpur Nagar

.... Applicant

By Advocate Shri K.K.Tripathi

Versus

Union of India & Ors.

.... Respondents.

Coram:

Hon'ble Mr. S.Das Gupta, Member-A
Hon'ble Mr. T.L.Verma, Member-J

O R D E R

By Hon'ble Mr. S.Das Gupta, Member-A

Heard Shri K.K.Tripathi, learned counsel
for the applicant on the Restoration Application No.
2758/94. In view of the submissions made, the
application is allowed to be restored.

Heard the learned counsel for the applicant
on admission.

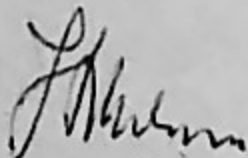
2. The applicant's case is that he was first
engaged as Casual Labourer on 1.1.1974 and his services
were terminated on 19.5.1976 by the impugned order dated
19.5.1976 at Annexure A-2. It is stated that the


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applicant, thereafter, submitted a representation and by a communication dated 22.4.1985, the respondents have asked certain clarifications from the applicant. On this fact, it was felt earlier that the case is excessively time barred. The learned counsel for the applicant was given an opportunity to show how the case can be admitted. The learned counsel for the applicant has produced a copy of the communication dated 3.3.1994 by which the Deputy (CE) has forwarded a copy of the representation of the applicant to CIOW(C) and on the basis of this communication, he claims that the case is within the period of limitation.

3. We have carefully considered the submissions. Firstly, the impugned order of termination itself is an order for discharge simplicitor and did not impute any stigma ~~from~~^{on} the applicant. The applicant also had not acquired any right by virtue of his working for a short period to be entitled to any relief. Secondly, the application itself is highly time barred since the cause of action arose in 1976. The application is therefore, dismissed both on the ground of limitation and on merit.


Member-J


Member-A

/jw/