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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Original Application No: 1305 of 1994

This, the Day of 26th of September, 1994

Itwari Lal Applicant.

By Advocate Shri Anand Kumar

Versus

Union of India & Ors. Respondents.

By Advocate Shri

Coram:

Hon'ble Mr. T.L.Verma, Member-J

Hon'ble Mr. K.Muthukumar, Member-A

J U D G E M E N T

By Hon'ble Mr. T.L.Verma, J.M.

Heard Shri Anand Kumar, learned counsel for the applicant.

2. The applicant was initially engaged as a Casualt Khalasi under Permanent Way Inspector (PWI) Central Railway, Agra Cantt on 3rd November, 1980. He worked as such up to 18.12.1980 at a daily rate of Rs. 10 per day. Thereafter, he was not re-engaged.

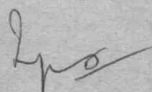
This application has been filed for issuing a direction to the respondents to re-engage the applicant as temporary Khalasi and thereafter, regularise his services.


3. The representations and the reminders filed by the applicant against his non-employment did not yield any result, hence this application.

4. The cause of action in filing of this case had arisen in 1980. It is well settled that equity does not help those who sleep ^{over} ~~for~~ their right. The applicant has woken up from his slumber after long 14 years for filing this case agitating his non-engagement. In V.K.Mehra Vs. The Secretary, Ministry of Information and Broad Casting reported in 1986 A.T.R. (1) page 203, it has been held that the Administrative Tribunal's Act 1985 does not vest any power or authority in Central Administrative Tribunal to take cognizance of grievance arising out of an order passed prior to 1.11.1982. This application admittedly ^{has} been filed in 1994 and as such this Tribunal has no jurisdiction to entertain this application.

5. The learned counsel for the applicant relying on the decision reported in 1989 Service Law Reporter (57) page 641 has urged that employment of persons similarly situated as the applicant has resulted in discrimination and as such, the question of limitation does not arise. This plea would have been available to the applicant, had he ~~been~~ agitated the matter within the period prescribed by law before a competent forum. This decision, therefore, is of no help to the applicant.

6. We are satisfied that this application is highly belated and as such, ~~xxx~~ is barred by limitation and is dismissed at the admission itself.


Member-A


Member-J

Allahabad Dated:
/jw/