

(8)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 14TH DAY OF MAY, 2002

Original Application No. 24 of 1994

CORAM:

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

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

Yamuna Prasad Misra, Son of  
Late Sri madan Mohan Mishra  
Resident of Village pandila Mahadeo  
Post Office Ismailganj, district Allahabad, Ex.  
Chowkidar, A.G.U.P. Allahabad.

... Applicant

Versus

1. Union of India through the  
Comptroller and Auditor General  
of India, new Delhi.
2. The Principal Accountant General  
Uttar Pradesh, Allahabad.

... Respondents

(By Adv: Ms.Sadhna Srivastava)

O R D E R(Oral)

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

By this OA u/s 19 of A.T.Act 1985 applicant has  
prayed for a direction to the respondents to include  
his name in the casual labour register in accordance  
with the seniority based on correct working days in  
the year 1983 onward and to engage the applicant as  
casual ~~labour~~ labour in preference to new comers. He has  
also prayed that he may be appointed as group 'D' as  
he has completed 240 days. The basis of the aforesaid  
claim as per applicant is that he was engaged on  
1.4.1983 as casual labour and he worked as Chowkidar  
upto 31.12.1990. In para 4.4 of the OA APPLICANT HAS



given details of his work from 1.4.1983 to 31.12.1990.

Resisting the claim of the applicant counter affidavit has been filed by the respondents. In para 4 of the counter it has been stated that applicant had worked only for 141 days from January 1984, then he left the office on his own in December 1984. It has been stated <sup>that</sup> thereafter applicant had never worked and for the first time he submitted representation for re-engagement on 10.9.1993. For the averments made in para 4.4. of the OA applicant has not been able to produce before us any evidence, it is difficult to accept the case of the applicant that he worked with the respondents from 1.4.1983 to 31.12.1990. This OA was filed on 4.1.1994 i.e. after more than ten years he left the employment. This delay has been tried to be explained <sup>or by saying that</sup> when applicant learnt about various judgments of this Tribunal in 1992 then he approached the respondents in 1993. We are not convinced with the explanation given for the long and inordinate delay. The cause of action arose to the applicant from the date he was not allowed to work and he should have approached the Tribunal within a year as provided u/s 21 of the Act. In our opinion, applicant is not entitled for any relief.

The OA is dismissed as time barred. No order as to costs.

  
MEMBER (A)

  
VICE CHAIRMAN

Dated: 14th of May, 2002

Uv/