

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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O.A. No. 144 of 1995

Dated: 13.7.1995

Hon. Mr. Justice B.C. Saksena, V.C.

Hon. Mr. S. Das Gupta, Member (A)

Anil James aged about 30 years, S/o
Shri Henry Mickle, R/o House No. 436,
C.P. Mission Compound, Gwalior Road,
Jhansi. Petitioner.

(By Advocate Sri R.K. Nigam)

Versus

1. Union of India, through General Manager, Central Railway, Bombay, V.T.
2. D.R.M. Central Railway, Jhansi. Respondents.

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O R D E R

(By Hon. Mr. Justice B.C. Saksena, V.C.)

A request for passing over of the case was made when the case was taken up in its turn. The list has been revised. Proxy counsel of Sri R.K. Nigam appeared and ^{was} heard on behalf of the applicant. The applicant alleges that he has worked as Casual Labour during 26.6.1985 to 15.4.1989. It is alleged that his name was kept on the list of Monthly Rated Casual Labour. He was medically examined and was found fit. It is alleged that his services were terminated and he was called upon to be ⁱⁿ readiness to appear before the screening committee as and when he is called. The further allegations is that according to the prescribed Rules, the services of a Monthly Rated Casual Labour cannot be put to an end

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unless notice in this behalf has been given to him or disciplinary proceedings are initiated and completed. The learned counsel for the applicant was unable to indicate any statutory provision or circular of the Railway Board in support of the ~~the~~ allegations that for monthly rated casual labour a notice for termination are required or procedure under the (D&A) Rules is to be followed. Thus, the plea in that behalf is wholly untenable. In para 4.11, the applicant has baldly allegedly that juniors to him are still at work. Neither their names have been specified nor the details of their working have been given in the O.A. The plea based on Annexure- A 2 that he was conferred temporary status, is also unfounded. We have perused the said document. By the said letter, the applicant was only require to submit his casual labour card so that he may be sent for medical examination. The applicant ~~the~~ admittedly worked upto 1986. This petition has been filed on 14.2.1995. There is no explanation for the delay in filing the O.A. Thus, we are satisfied that the O.A. deserves to be dismissed on the ground being barred by limitation as provided under Sec. 21 of the Administrative Tribunals Act, 1985.

2. The O.A. is summarily dismissed as being barred by limitation. There will be no order as to costs.

WR
(N.U.) Member(A)

BCJ
Vice-Chairman