

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 3rd day of December, 2001.

Q U O R U M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.  
Hon'ble Mr. C.S. Chadha, Member- A.

Orginal Application No. 857 of 1995.

1. Anand Kumar Pandey S/o Sri Nathu Prasad Pandey  
R/o D.L.W, Varanasi.
- 2.. Ram Sagar S/o Sri Ram Pati, R/o Manduadih,  
Varanasi.
3. Manindra Nath Tewari S/o Sri Ram Lakhan  
R/o Manduadih, Varanasi.
4. Suresh Yadav, S/o Sri Ram Chandra  
R/o Manduadih, Varanasi.
5. Achchey Lal S/o Sri Kapil Deo Ahir R/o A., 18/39,  
Diwangaj, Rajghat, Varanasi.
6. Shivnath Singh S/o Rama Singh R/o Chhittupur,  
Varanasi.

.....Applicants

Counsel for the applicant :- Sri A.N. Tripathi

V E R S U S

1. Union of India through the General Manager,  
N.E. Rly, Gorakhpur.
2. Divisional Railway Manager, N.E. Rly, Varanasi  
Division, Varanasi.

.....Respondents

Counsel for the respondents :- Sri A.K. Gaur

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this application under section 19 of the

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Administrative Tribunals Act, 1985, applicants have prayed for direction to respondents to engage the applicants and to make them permanent following screening test. It has also been prayed that they may be conferred temporary status and with all the benefits and privileges admissible to the casual labourers with temporary status.

2. The facts giving rise to this application are that the applicants worked as casual labourers in different spells. This O.A has been filed on 22.08.1995 i.e. after more than 10 years they had seized to work with the respondents. Learned counsel for the applicants placed reliance on the judgment of Patna Bench of this Tribunal given in O.A No. 81/90 which was decided on 23.03.1990. If the submission of learned counsel for the applicants is accepted that they were waiting for the result of the case filed before the Patna Bench, <sup>O.A. could have been filed much earlier</sup> Therefore, no explanation for about 5 years period between 23.03.1990 and 22.08.1995. Hon'ble Supreme Court in case of R.C. Sharma Vs. Udhamp Singh and Ors. 2000 SC (L&S) 53 has held that time barred application for which condonation of delay has not been filed under section 21 cannot be entertained. The Tribunal cannot admit such application, ~~and~~ for being decided on merits. In the present case, no explanation at all <sup>has</sup> been given, contrary to it in para- 3, it has been mentioned that the O.A is within time. In the circumstances, we have no option to dismiss this O.A as time barred. The O.A is accordingly dismissed as time barred.

3. Learned counsel for applicants then submitted that applicants may be permitted to approach the respondents by making representation on the basis of the judgment of Patna Bench. This course is always open to the applicants if, they are so advised, they may approach the authorities. The representation may <sup>be</sup> considered sympathetically and expeditiously.

4. There shall be no order as to costs.

/Anand/

*Member- A.*

*Vice-Chairman.*