

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 11TH DAY OF DECEMBER, 2002

Original Application No.1011 of 1995

CORAM:

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

Paras Nath, son of Shri Prithvi Pal  
Resident of village Malkhanpur  
P.O.Hanumanganj, Tehsil Phulpur  
District Allahabad.

... Applicant

Versus

1. Union of India through its  
Secretary, Ministry of Railways  
New Delhi
2. The Divisional Railway Manager  
Northern Railway, Allahabad.
3. The General Manager, Northern  
Railway, Baroda House, New Delhi.

... Respondents

(By Adv: Shri A.K.Gaur)

O R D E R(Oral)

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

By this OA u/s 19 of A.T.Act 1985 the applicant has prayed for a direction to the respondents to give regular appointment to the applicant as class IV employee and to treat the applicant in continuous service and to provide him work.

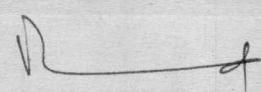
The facts stated are that applicant was appointed as Khalasi on 14.12.1976 and he worked upto 3.8.1981. It is alleged that the total working days were 998 days. It has also been alleged that he worked during the period 1982, 1983, 1984 and 1989 in 'Kumbh Mela' but there

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is no record of the same.

Shri A.K.Gaur learned counsel for the respondents has submitted that this OA is highly time barred. It has been filed on 25.9.1995 i.e. after 14 years when the cause of action arose to the applicant and is liable to be rejected as time barred. Learned counsel has placed reliance on the judgment on Full bench of Principal Bench of this Tribunal in 'Mahaveer and Ors Vs Union of India and Ors, 2000(3) ATC, Pg-1 and the judgment of Hon'ble Supreme Court in case of 'Ratan Chand Samanta and Ors Vs Union of India and Ors (1994) 26 ATC 228(SC). In the case before the Hon'ble Supreme Court the writ petition was filed after 15 years of the retrenchment as in the present case. The Hon'ble Supreme court held in para 6 that the delay itself deprives the person from ~~available remedy~~ in the law. In the present case there is no explanation for this long and inordinate delay of 15 years. In the circumstances, applicant is not entitled for relief.

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

  
VICE CHAIRMAN

Dated: 11th Dec: 2002

Uv/