

(RESERVED)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 28th day of January, 2002.

Original Application No. 975 of 1999.

CORAM:-

Hon'ble Mr. C.S. Chadha, A.M.

Murari Lal,

Son of Bhagwat Dayal,

R/o 26/51, Basai Kala,

Tajganj, Agra.

(Sri BN Singh/Sri VS Kushwaha, Advocates)

..... .Applicant

Versus

1. Union of India through

The Chief General Manager,

(Telecom) U.P. Circle,

Dehradun.

2. The Assit. General Manager(Adm),

o/o General Manager Telecom,

Agra.

3. Divisional Engineer Telecom, Agra.

4. Telecom District Manager,

Mathura.

5. Bharat Sanchar Nigam Limited (B.S.N.L.),

Through its Chairman-Cum-Managing Director,

HQ New Delhi.

(Sri Amit Sthalekar, Advocate)

..... . Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. C.S. Chadha, A.M.

The case of the applicant is that he was engaged as a casual labour in the Department of Telecommunications at Agra with respondent no.3. The applicant worked in broken periods between 1972 to 1986. He has contended that in 1986 he met with a road accident and , therefo

68 Cheque

On not
could report for work. However, on recovery from the accident he submitted a medical certificate to the respondents and requested them to take him back on work. His request to the respondent no.3 at Agra in 1996 was directed to be made before the Delecommunication Division at Mathura because the division has been bifurcated. However, he did not receive any relief and, therefore, he has filed this OA.

2. Without going into the merits of the facts the first issue to be decided is whether the O.A. and his representation before the concerned authorities was within time or not. By his own admission the applicant represented to the authorities only some time in 1993 i.e. seven years after his absence from duty without any information to the employers. He claims that he made several representation but none has been placed on record. He draws strength from the alleged application in 1993 which he claims was replied to by the respondents vide Annexure-A-1 on 15-3-1993. However, the respondents have claimed in the counter affidavit and perhaps rightly so that Annexure-1 is fake and forged as it does not bear either the signature or the designation of the person who had written the letter. The letter is also so badly worded, without any context or reference that it is hard to believe that a Government Office issued such a letter. Even if these were considered to be a valid evidence of the application by the applicant, it is dated sometime in March, 1993, i.e. roughly seven years after his absence from duty. It is, therefore, held that his representation to the Department was highly time barred and, therefore, the O.A. is also highly time barred. There is no need to go into merits of his application being a letter from the concerned authority in 1996, clearly mentions that the

66a/10

applicant did not work for more than 240 days at a stretch in any calender year and, therefore, was not entitled for reappointment. It has also been mentioned in that very letter that the application was highly time barred.

3. The learned counsel for the applicant was given time to present certain rulings which he claimed had held that cases such as the one of the applicants are not time barred. He presented the ruling~~s~~ of C.A.T, Madras in S. Raghuraman Vs. U.O.I & Ors. 1998 (11) ATC 495, which held that if a second representation is rejected not merely by a reference to an earlier representation but after consideration at length, limitation ~~runs~~ from the second representation. I am afraid this does not help the applicant because his representation was not duly and properly rejected by the department, as claimed by him on 15.03.1993 or thereafter because those letters are fake. The poor condition of the applicant forces me not to take the extreme step of directing prosecution of the applicant for presenting false evidence on an affidavit. The second ruling cited by him A.I.R 1998 (1) CAT is on a similar issue and therefore, does not benefit the applicant.

4. On the pretext of presenting rulings the counsel for the applicant also presented "written arguments" and a lot of copies of documents which are purported to be copies of applications made by him. Since permission was not granted to him to present those documents and since copies of those were not granted to the counsel for the respondents (who, therefore, could not get an opportunity to rebut them) they cannot be relied upon.

Conclude

However, after inspection of these documents, I am constrained to observe that all the applications are clearly fake and forged. The counsel also presented the so called orginal applications but all the 'postal receipts' shown in his favour are ~~were~~ photocopies which can be easily "manufactured". None of the applications shown to be received by the department bear any seal or stamp of the department. As observed above, the applicant should consider himself lucky for not being prosecuted for these forgeries.

5. I, therefore, agree with the contentions of the respondents that a casual labourer who absented himself sometime in 1986 cannot get a right by making an application more than seven years later. Since the case is time barred, the O.A is dismissed.

6. There shall be no order as to costs.

68 Castle
Member - A.

Dubey/