

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD.

ORIGINAL APPLICATION NO.1354 of 1999.

Allahabad this the 08th day of May 2003.

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

Hatimtai  
S/o Yakoob  
Village-Chhapra Bhagat  
Post: Sahwajpur,  
District Kosinagar, U.P.

.....Applicant.

(By Advocate : Sri Ram Chandra)

Versus.

1. The Executive Engineer (Construction)  
S.R.E., Northern Railways  
Saharanpur.
2. The Inspector of Works (I.O.U Construction)  
S.R.E., Northern Railways,  
Saharanpur.
3. The Chief Engineer Construction  
Northern Railways,  
Head Office-Kashmeregate  
Delhi-6.
4. The Union of India  
through the General Manager  
Northern Railway, New Delhi.

.....Respondents.

(By Advocate : Sri P. Mathur)

O R D E R

By this O.A., filed under section 19 of Administrative Tribunals Act 1985, the applicant has prayed for quashing the illegal termination which according to him took place on 01.02.1984. He has also prayed for direction to the respondents to review the facts and grant him re-instatement and regularisation.

2. The facts of the case are that the applicant had worked from 1977 to 1.2.1984 as Khalasi on casual basis.

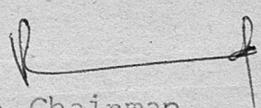


The learned counsel for the applicant has submitted that according to the applicant, termination took place on 1.2.1984, thus, the cause of action had arisen to the applicant on the impugned termination, but this O.A. has been filed on 1.11.1999 i.e., after more than 15 years, therefore, application is highly time barred, and the applicant is not entitled for any relief. It is also submitted that applicant has not filed any application seeking condonation of delay. He has only said in the O.A. that the application is within time as ~~the~~ cause of action is recurring. However, the Delhi High Court by Full Bench in the case of Jagdish Prasad Vs. Union of India reported in 2002 (3) E.S.C (Delhi) page 576 has held that in such matter there is no question there being recurring cause of action. The Judgement of Full Bench is squarely applicable in the present case.

3. I have considered the submissions of the learned counsel for the respondents.

4. Respondents have stated that the applicant had not worked in the Organisation. However, ~~without~~ entering into the controversy, as the O.A. is highly time barred and there is no explanation for the delay, ~~the~~ applicant is not entitled for the relief. The O.A. is dismissed as time barred.

No order as to costs.

  
Vice-Chairman.

Manish/-