

Reinstatement
1991/July
1991

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 314 OF 1988
TAX No.

DATE OF DECISION 29.7.1991

Raghu Mohan, Petitioner

Mr. B.B. Gogia, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent(s)

Mr. B.R. Kyada, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh, Administrative Member.

The Hon'ble Mr. S. Santhana Krishnan, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Ys*
2. To be referred to the Reporter or not ? *Ys*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *Mo*
4. Whether it needs to be circulated to other Benches of the Tribunal. *Mo*

(W)

Raghu Mohan
Street No. 14,
Near Bachu Dalal,
Hokoro-ne-Kathe,
Popatpara,
Rajkot.

..... Applicant.

(Advocate: Mr. B.B. Gogia)

Versus.

1. Union of India
Through: General Manager,
Western Railway,
Churchgate,
Bombay.

2. Executive Engineer(Construction),
In-charge of Rajkot Const. Unit
Western Railway,
Jamnagar.

..... Respondents.

(Advocate: Mr. B.R. Kyada)

J U D G M E N T

O.A.No. 314 OF 1988

Date: 29.7.1991

Per: Hon'ble Mr. M.M. Singh, Administrative Member.

The only material facts in this original application filed under section 19 of the Administrative Tribunals Act, 1985, are that the applicant's engagement as casual labourer on Viramgam-Okha-Porbandar Conversion Project which started on 21.8.1979 was terminated on 20.3.1981 without notice and therefore in violation of the provisions of section 25(F) of the Industrial Disputes Act. It is further alleged that similarly situated labourers were called in December 1983 but the applicant was not which violated provisions of section 25(H) of the Industrial Disputes Act. On these material facts and relying upon the Supreme Court judgment in Inderpal Yadav's case (SLJ 1985(2) 58) the applicant prays for reinstatement.

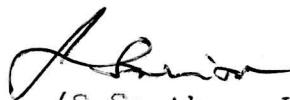
M. M. L

2. The respondents have resisted the application on several grounds, including the application's disqualification for admission on grounds of limitation. On this subject, the application speaks in two voices in discord. The first voice is that the application is within time limit. The voice in discord is that as an abundant caution application for condonation of delay has been filed if the Tribunal "feels that there is little delay in filing this application". A Bench of this Tribunal had admitted the application subject to limitation thereby keeping the question of limitation open. In the condonation application appears the averment "The applicant submits that in fact there is no delay since the inaction is on the part of the Railway administration." An essential legal implication of this averment is that limitation is to be counted from the alleged inaction of the respondents. Taking this averment as made and without entering into the question of its tenability, the alleged inaction and illegal action of the respondents initially occurred on 20.3.1981 when the applicant was allegedly terminated without notice. That being the case, even according to the averment above in the application the cause of action arose on 30.3.1981 which is prior to three years from 1.11.1985, the date from which the authority of this Tribunal became exercisable. The Tribunal has no authority, in terms of provisions of section 21(2)(a) of the Administrative Tribunals Act, 1985, to adjudicate in disputes originating in that long past. Even from the date 1.11.1985 from which the authority

M. K. L

of the Tribunal became exercisable, the application for which delay registered on 12.4.1988 is filed late, the condonation application furnishes no acceptable application.

3. In view of the above, we do not take up submissions at the final hearing and contentions taken in the application, reply and rejoinder for consideration for in our above view the application has to be dismissed on grounds it is liable to be rejected at the threshold. We hereby dismiss the application but, in the circumstances of the applicant, without any order as to costs.


(S. Santhana Krishnan)
Judicial Member


29/7/91
(M.M. Singh)
Admn. Member