

Refranchment

2 CAT/7/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
~~XXXXXXXXXXXX~~

O.A. No. 175 OF 1991 ~~198~~
~~ExxNox~~

DATE OF DECISION 3-6-1991

General Workmen's Union, Petitioner

Mrs. K.V. Sampat, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents.

Mr. N.S. Shevde, Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Mr. S. Snathana 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? *Ms*
3. Whether their Lordships wish to see the fair copy of the Judgement? *Ms*
4. Whether it needs to be circulated to other Benches of the Tribunal? *Ms*

3

General Workmen's Union,
A registered trade union by its
Secretary :-Jitendra K. Ved,
having its office at 406/B
G.L. Rly, Colony,
P.O. Godhra - 389 001,
Panchamahals Dist for and
on behalf of Rly.Ex.Workman
Balvant Bhati of Godhra.

..... Applicant.

(Mrs. K.V. Sampat)

Versus.

1. Union of India represented by the
Additional General Manager,
Rly, Electrification
Near Old Loco Shed, Rly Yard,
P.O. Allahabad.
2. Divisional Rly. Manager
Western Railway, Railway Yard,
Pratapnagar, Vadodara.
3. Chief Project Manager,
Rly. Electrification,
Western Rly, Railway Yard,
Pratapnagar, Vadodara.
4. Deputy Controller of Stores,
Railway Electrification,
Western Railway,
Railway Yard,
Pratapnagar, Vadodara.

..... Respondents.

(Advocate:Mr.B.S.Shevde)

ORAL ORDER

O.A.No. 175 OF 1991

Date: 3-6-1991.

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

In the absence of the learned counsel for the applicant, we have carefully gone through the application and considered its contents. The applicant was retrenched from 24.4.1986. After such retrenchment the applicant made representation by R.P.A.D. post dated 26.12.1989. A part of the representation is sought to have been disposed of by letter dated 9.4.90, Ann. A-2. The application counts limitation from this letter dated

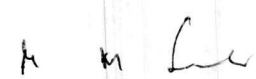
(5)

9.4.90 and in para 5 of the application it is stated that the application is within the limitation prescribed in Section 21 of the Administrative Tribunals Act, 1985.

2. There can be no doubt ~~that~~ the limitation has to be counted from the date the cause of action arises and not from the date of reply of the administration to any belated representation the applicant may chose to make. It is to be noticed that on the applicant's own showing his representation is dated 26.12.1989 by which date any legal remedy against order dated 24.4.86 would be time barred in view of the provisions of Section ²¹ 21(1)(a) of the Administrative Tribunals Act, 1985. In this state of the case shown by the applicant, he cannot be allowed to count limitation from the date of reply to such representation and say that the application is within the limitation prescribed.

3. The application is hopelessly timebarred. We hereby reject the same without any order as to costs.


(S. Santhana Krishnan)
Judicial Member


(M.M. Singh)
Admn. Member

ttc.