

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. O.A. 112 of 1996

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman.  
Hon'ble Mr. B.P. Singh, Administrative Member.

TURIA LAKRA

Vs.

UNION OF INDIA & ORS.

For the applicant : Mr. N. Ghosh, counsel.

For the respondents: Mr. Madhusudan Banerjee, counsel.  
Mr. S.K. Dutta, counsel.

Heard on : 24.6.1999

Order on : 24.6.1999

ORDER

S.N. Mallick, V.C.

In this O.A., the applicant has prayed for the following reliefs :

1. (a) The order dated 10.1.1991 be declared bad and the same be directed to be set aside.
- (b) An order of injunction restraining the respondents from giving effect or any further effect to the impugned order dated 10.1.1991 and they be directed to act in accordance with the order dated 3.2.1990 and the respondents be further restrained from interfering with the job of the applicant as labour in the Metal & Steel Factory, Ichhapore, or from acting in any way contrary to the order dated 3.2.1990 or from acting in any other way inconsistent therewith.

2. Mr. Madhusudan Banerjee, the ld. counsel appearing for the respondents has taken a preliminary objection to this application

on the ground that it is hopelessly barred by limitation.

3. The facts are as follows -

It is stated that the father of the applicant, while serving under the respondent-authorities as a Labourer, died in harness on 15.8.1988. His mother thereafter moved the respondent-authorities to give an appointment to the applicant on compassionate ground. By a letter dated 3.2.1990, the applicant was given an appointment on compassionate ground as a Labourer under the respondents (vide annexure 'A'). It is his further case that on the basis of the said letter of appointment, the applicant duly reported for duty before the respondent-authorities after police verification, medical examination etc. and he served there as a Labourer for 5 days. But thereafter he was asked not to report for duty any more. Since then, the applicant filed several representations but by a letter dated 20.2.1990, the applicant's mother was informed that since her elder son, Nirmal Lakra, was serving in the factory, her request for compassionate appointment of her younger son, Turia Lakra, i.e. the present applicant, could not be acceded to.

4. After going through the annexures, it appears that the applicant is totally confused about his status or about his right to be enforced through this Tribunal. There has been wrong description of the annexures 'A' and 'B' in the averments made in the O.A. Annexure 'A' dated 3.2.1990 is not a letter of appointment but is an offer of appointment to the applicant. It does not say that such appointment was given on compassionate ground. It only says that he was given an offer of appointment by the respondent-authorities on the terms given below. Our attention has, however, been drawn to condition no.(x) given therein which states that this appointment is also subject to the condition that he would maintain his widow mother, dependent brothers and sisters. Annexure 'B' dated 20.2.1990 does not support the applicant's case in any way. It is addressed to the mother of the applicant and it runs as

follows -

"Since you have suppressed the fact that your elder son, Shri Nirmal Lakra, is serving in this factory, it is regretted your request for special employment on compassionate ground under D-in-H Scheme to your younger son, Shri Turia Lakra, cannot be acceded to."

Annexure 'C' dated 10th January, 1991, records that the applicant's mother filed another representation in reference to the respondents order dated 20.2.1990, which was also rejected.

5. There is nothing to show that the applicant was given any compassionate appointment under the respondent-authorities. Atleast, annexure 'A' does not support the contention of the applicant. Furthermore, excepting the statement made in paragraph 4(b) of the O.A., there is no supporting material to show that the applicant accepted the said offer and joined in the said post. It is his case that after joining there, he worked there for 5 days and thereafter he was asked not to report. Under such circumstances, his cause of action arose on the day when he was asked by the respondents not to report for duty, who in fact terminated his services in the said post. In that position, the applicant should have approached this Tribunal within a year from the date of termination, but he has filed this application on 22.1.1996 i.e. much beyond the prescribed period of limitation. There is also no prayer for condonation of delay, as required under the AT Act. Under such circumstances, we accept the contention of the ld.counsel appearing for the respondents that the application is hopeless barred by limitation.

6. Mr.N.Ghosh, appearing for the applicant has prayed for leave to file an application for condonation of delay. Such leave, in our view, should not be granted after a lapse of

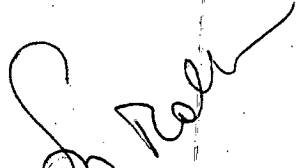
3 years from the date of filing the original application.

7. The application is dismissed for being barred by limitation at the stage of admission.

8. No order is made as to costs.



(B.P. Singh)  
Administrative Member



(S.N. Mallick)  
Vice-Chairman

T. S.