

Date of order : 21.12.2000

1. M.A. No. 141/99  
i n  
O.A. No. 223/99  
w i t h
2. O.A. No. 223/99

Nandlal son of Shri Ramphal age 30 years resident of House No. 1027, C/o. Nankuram Railway Colony, Nehru Park, Jodhpur, Ex-Labour (Gp-D Non-Test Cat) in the office of SDO (Phone II), Telecom Department, Basani, Jodhpur.

... Applicant.

v e r s u s

1. Union of India through Secretary, Ministry of Telecom, Govt. of India, New Delhi.
2. General Manager Telecom, Rajasthan Circle, Jaipur.
3. General Manager Telecom, District Jodhpur, Kamla Nehru Nagar, Jodhpur.
4. Sub Divisional Officer (Phone-II), Telecom Department, Basani, Jodhpur.

... Respondents.

Mr. K.S. Chouhan, Counsel for the applicant.

✓ Mr. K.S. Nahar, Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

: O R D E R :

(Per Hon'ble Mr. Justice B.S. Raikote)

This application is filed for condonation of delay. It is the case of the applicant that his termination was upheld by an award of the Central Industrial Tribunal, and the said award he challenged



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before this Tribunal in O.A. No. 136/91, and vide order dated 06.01.94, this Tribunal did not interfere with the award of the Central Industrial Tribunal. However, the respondents were directed to give an opportunity to the applicant for re-employment, subject to availability of vacancy and subject to his suitability for casual labour on the basis of his seniority. The applicant submits that thereafter, certain appointments were made in the year 1997 vide Annexure A/3 dated 30.05.97, and some persons have been appointed. The applicant says that this order is illegal and the same should be quashed with a direction to the respondents to re-employ the applicant.

2. In the affidavit, the applicant says that he came to know regarding certain employment vide Annexure A/3 dated 30.05.97 in the year 1998, i.e. on 8.1.98. Accordingly, he made representations vide Annexures A/3 and A/4. Thereafter, he has filed the present application on 16.03.99. Admittedly, the applicant filed one representation on 08.01.98. He has to wait for consideration of the representation for 6 months thereafter, i.e. by 08.07.98. That time also expired, and therefore, there is no explanation why the applicant waited till 16.03.99. The applicant is silent regarding the cause for delay. ~~xxenxx~~ The period of limitation starts right from the date of the order, i.e. 30.05.97 vide Annexure A/3. In these circumstances, the applicant has not made out any cause much less as sufficient cause for the purpose of condonation of delay.

3. Even otherwise on merit also, we find that the applicant's termination stood confirmed by an award of the Central Industrial Tribunal, by passing a speaking order. This Tribunal cannot sit as an appellate Court against <sup>the order of</sup> the Central Industrial Tribunal under the Act. In these circumstances, it is difficult for us to direct the respondents to appoint the person, who has already been terminated, and such termination has been confirmed by the Central Industrial Tribunal.

However, the direction issued by this Tribunal vide order dated 06.01.94 in O.A. No. 136/91, stood exhausted. Having regard to these circumstances, we find that the O.A. cannot be entertained. Accordingly, we pass the order as under:-

The M.A. No. 141/99 is dismissed. Consequently, the O.A. No. 223/99 also stands dismissed. But in the circumstances, without costs."

Sd/-  
(Gopal Singh)  
ADM. MEMBER

Sd/-  
(B.S. RAIKOTE)  
VICE CHAIRMAN

Cvr.

प्रमाणित सही प्रतिलिपि

अनुभाग अधिकारी (न्यायिक)  
केन्द्रीय प्रशासनिक अधिकरण  
जोधपुर