

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 510/99

Tuesday, this the 8th day of June, 1999.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

Selvarajan,
S/o. Alexander,
Anil Bhavan,
Kumbalam P.O.,
Mulavar (via).

...Applicant

By Advocate Mr. M.R. Rajendran Nair

Vs.

The Chief General Manager,
Telecom, Kerala Circle,
Trivandrum.

...Respondent

By Advocate Mr. N. Anil Kumar, ACGSC

The application having been heard on 8.6.99, the
Tribunal on the same day delivered the following:

ORDER

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The applicant claims that he has rendered service as a casual mazdoor for 117 days from 6.3.84 to 30.6.84 at Kundara Telephone Exchange. Finding a notification in Malayalam Newspapers dated 27.2.95 calling for applications for re-engagement of casual mazdoors retrenched prior to 22.6.88, the applicant states that he made an application for re-engagement but he has not been given any order of re-engagement as yet. In the meanwhile, during 1997-99, the applicant alleges that he was given work on contract basis for 32 days. Finding that he has not been enlisted for re-engagement on the basis of the representation made by him in the year 1995, the applicant made a representation to the respondents on 15.3.99 (Annexure A-2). Seeing that there is no response, the applicant

filed this application for a declaration that he is eligible to be re-engaged as a casual workman and included in the list of approved casual mazdoors and for a direction to the respondent to re-engage him and include his name in the list of approved casual mazdoors.

2. The sole basis for the claim of the applicant is an alleged engagement on casual basis for 117 days from 6.3.84 to 30.6.84. The applicant didnot continue in engagement nor did he make any claim for engagement until 1995. No record is produced to show that he claimed re-engagement even in 1995. Even if the applicant had made an application pursuant to the notification dated 27.2.95, if he had not received any reply thereto, he should have sought relief within a period of one year and six months. That having been not done, the applicant's claim, if any, is hopelessly barred by limitation. The fact that the applicant made a representation on 15.3.99 would not revive the cause of action which has otherwise become barred. The application, therefore doesnot merit admission and the same is rejected under Section 19 (3) of the Administrative Tribunals Act, 1985.

Dated this the 8th day of June, 1999.



A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES REFERRED TO IN THE ORDER

Annexure A-2:

True copy of the representation dated 15.3.99 submitted by the applicant to the respondent.