

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.539/98

Wednesday, this the 8th day of April, 1998.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

S Achankunju,
Kalathikuttiyl House,
Ponakam.P.O.
Mavelikkara,
Alappuzha District.

- Applicant

By Advocate Mr N Haridas

Vs

1. Director General of Posts & Telegraphs,
New Delhi.
 2. District Manager,
Telecom, Ernakulam.
 3. Sub Divisional Officer,
Telegraphs,
Perumbavoor.
- Respondents

By Advocate Mr Sunil Jose, ACGSC

The application having been heard on 8.4.98, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The applicant who claims to have rendered casual service during the year 1982 and was last engaged on 10.4.82 as per A1 certificate, made a representation on 2.6.88(A-3) for issuance of a Mazdoor Card and for re-engagement. This claim was rejected by the order of the Sub Divisional Officer, Telegraphs, Perumbavoor dated 20.5.92(A-4), wherein it was stated that as his absence was for more than six months, rules do not permit any fresh re-engagement after 30.3.85. Thereafter the applicant made another representation dated 3.6.92(A-5) to

the SDOT, Perumbavoor. He thereafter made yet another representation on 14.11.97(A-6) to the same authority, the SDOT, Perumbavoor to which the applicant was informed by letter dated 27.11.97(A-7) that vide letter dated 20.5.92 the reasons for his non-reemployment as Casual Mazdoor has already been communicated to him. It is aggrieved by that the applicant has filed this application for having the impugned order A-7 quashed and for a direction to the respondents to re-engage the applicant as Casual Mazdoor in any of the Sub Divisions of the Department.

2. On a perusal of the application and the Annexures appended thereto and hearing the learned counsel of the applicant, I am of the considered view that the claim of the applicant for re-engagement is hopelessly barred by limitation. Though the applicant was disengaged with effect from 10.4.82, for the first time he came with a request for re-engagement on 2.6.88 by A-3 representation. The applicant was informed vide letter dated 20.5.92 A-4 that since his absence was for more than six months, rules do not permit his re-engagement. The applicant did not challenge this order. Instead, he went on making representations to the same authority who issued A-4 letter and ultimately received a reply stating that the representation submitted by him had been answered way back on 20.5.92. It has been held by the Apex Court in SS Rathore Vs State of Madhya Pradesh, AIR 1990 SC, 10, that repeated unsuccessful representations would not revive a ^{dead} cause of action. The case of the applicant is hopelessly barred by limitation and therefore the ^{application} ~~is~~ is rejected under Section 19(3) of the Administrative Tribunals Act. No costs.

Dated, the 8th April, 1998.


(AV HARIDASAN)
VICE CHAIRMAN

List of Annexures

1. Annexure-A1: Certificate issued by the 3rd respondent to the applicant.
2. Annexure-A3: Representation dated 2.6.1988 submitted by the applicant before the 3rd respondent.
3. Annexure-A4: No.E.69/90W/9192/25 dated 20.5.1992 issued by the 3rd respondent to the applicant.
4. Annexure-A5: Representation dated 3.6.92 submitted by the applicant before the 3rd respondent.
5. Annexure-A6: Representation dated 14.11.97 submitted by the applicant before the 3rd respondent.
6. Annexure-A7: Letter No.Ef69/Gen1/97-98/58 dated 27.11.1997 issued by the 3rd respondent to the applicant.