

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.265/2001.

Wednesday this the 21st day of March,2001

CORAM:

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN  
HON'BLE SHRI T.N.T.NAYAR, ADMINISTRATIVE MEMBER

1. K.K.Lathif,  
Kallarakkal House,  
Puthuvasseri,  
Nedumbasseri P.O.,  
Ernakulam. ....Applicants  
(By Advocate Ms.N.Shobha)
2. Komalam P.K., W/o Gopalan,  
Komachantra House,  
Poonithura P.O.,  
Ernakulam.

vs.

1. Union of India, represented  
by Secretary, Ministry of  
Finance 8K.Menon Marg,  
Govt. of India,  
New Delhi-11.
2. Commissioner of Central Excise and Customs,  
Central Revenue Building,  
I.S.Press Road,  
Kochi-18.
3. Deputy Commissioner(Revenue),  
Office of the Commissioner of Central Excise  
and Customs, Central Revenue Building,  
I.S.Press Road,  
Kochi-18. ....Respondents  
(By Advocate Sri A. Sathianathan, ACGSC)

The Application having been heard on 21.3.2001 the Tribunal on the same day delivered the following:

O R D E R

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

The applicants who claim to have rendered casual service under the 2nd respondent for a few days from 1.1.95 to 8.7.95 filed O.A. 798/96 challenging their dis-engagement. That application is said to have been disposed of permitting the applicants to make a representation to the respondents and

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directing the 2nd respondent to consider the representation and pass appropriate orders. The representation submitted pursuant to that was rejected. The applicants again made an application, O.A. 1520/98, which was also disposed of directing the applicants to make a proper representation. The applicants, pursuant to the above directions, made another representation which according to them was a proper one. But unfortunately, this representation was also turned down by order dated 16.2.99 wherein it was stated that the applicants had not been sponsored by the Employment Exchange, and that therefore, they are ineligible to be considered for engagement. The applicants did not choose to challenge the order dated 16.2.99, but have now filed this application for a direction to the 2nd respondent to consider the name of the applicants for re-engagement as casual labourers without insisting on their sponsorship by the Employment Exchange and to declare that they are qualified to be appointed as Casual Labourers in the office of the 2nd respondent.

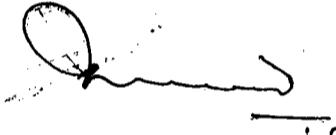
2. We have perused the pleadings and materials placed on record and also heard the learned counsel on either side. We do not find any valid or subsisting cause of action of the applicants which calls for admission of this application. If the applicants were aggrieved by A-1 order dated 15/16.2.99, they should have challenged that order well within the time. After a lapse of one year, an application cannot be

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entertained. Further the mere fact that the applicants had rendered casual service for a few days in 1995 does not confer on them any right for future engagement.

3. For the reasons stated above, the application is rejected under Section 19(3) of the Administrative Tribunals Act 1985.

Dated the 21st March 2001.

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

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Annexure A1: True copy of the order C.No.II/3/29/98-Estt.IV dated 15.2.99 issued by the 2nd respondent.