

Central Administrative Tribunal, Lucknow bench, Lucknow

Original Application No. 408/2003

this the 9th day of January, 2004

HON'BLE SHRI S.P. ARYA, MEMBER (A)

Chandra Shekhar Sharma aged about 42 years son of Sri Anant Prasad Sharma resident of Khalwa (Jhanjhra) district Balrampur.

...Applicant

By Advocate: None

Versus

1. Union of India through the General Manager, North Eastern Railway, Gorakhpur.
2. Divisional Railway Manager, North Eastern Railway, Lucknow
3. Permanent Way Inspector, North Eastern Railway, Balrampur.

...Respondents

By advocate: None

ORDER (ORAL)

BY HON'BLE SHRI S.P. ARYA, MEMBER (A)

The applicant was engaged as Casual Labour on 5.11.1978 in the office of Respondent No. 3. He has worked intermittently between 5.11.1978 to 30.8.1980. He alleges that his services was terminated without complying with the provisions of Section 25 F of the Industrial Disputes Act, 1947. He has sought for quashing of the oral termination order of 1.9.2002 with back wages and allowances.

2. The respondents have raised the preliminary objection that the O.A. is barred by limitation and also not maintainable on the ground of jurisdiction. It is contended by the respondents that the applicant is seeking relief under the Provisions of Industrial Disputes Act, 1947. This Tribunal has no jurisdiction over the authorities under the Industrial Disputes Act.

3. Having gone through the records, it is found that Central Administrative Tribunal has no jurisdiction of deciding the cases under Industrial Disputes Act, 1947. A separate machinery has already been provided by the Act. The cause of action in the present case arose on 1.9.198⁴ when the applicant was disengaged. It is not a continuing cause of action. He should have approached the appropriate forum within the prescribed period of limitation. After making the representation he should have approached this Hon'ble Tribunal within 18 months. This O.A. has been filed on 26.8.2003. It is highly belated.

4. I accordingly find that the O.A. is barred by limitation as also by the jurisdiction. It is dismissed. No order as to cost. ♦

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MEMBER (A)

LUCKNOW:DATED: 9.1.2004

HLS/-