

Central Administrative Tribunal, Lucknow Bench, Lucknow

M.P. No.1717/2008 in Original Application No. 57/2002

This the ³⁰th day of November, 2009

Hon'ble Ms.Sadhna Srivastava, Member (J)
Hon'ble Dr. A.K.Mishra, Member (A)

Raju aged about 40 years son of Munna R/o Jawahar Nagar, Opposite Hathi Park,Lucknow at present working as Casual Labour RMS 'O' Division, Lucknow

Applicant

By Advocate: Sri R.S.Gupta

Versus

Smt. Neelam Srivastava , Chief Post Master General, U.P., Lucknow.

Respondent

By Advocate: Sri S.P.Singh

ORDER

Hon'ble Ms. Sadhna Srivastava, Member (J)

M.P. No. 1717/2002 has been filed by the applicant with a prayer to comply with the order dated 23.8.2002 passed in O.A. No.57/2002.

2. The facts, in brief, are that the applicant worked as Casual Labour in P&T Department as Safaiwala till 27.2.2002. Thereafter, by oral order, his services were terminated . He filed O.A. No. 57/2002 claiming reinstatement , grant of temporary status and regularization on the basis of his number of working days in the Department. The aforesaid O.A. was allowed vide order dated 23.8.2002 with a direction to the respondents to engage the applicant as Casual labour within 3 months and to grant him temporary status and further to consider him for regularization as per rules. Since the order was not complied with within 3 months, the applicant filed contempt petition No. 142/2002 which was disposed of on 11th November, 2003 with a direction to the respondents to show stay order from the High Court. Aggrieved by the order dated 23.8.2002, the



respondents filed writ petition which is still pending before the Hon'ble High Court. In compliance of the order dated 23.8.2002, the applicant has already been engaged. Now the applicant submits that the order has not yet been complied with in toto.

3. The question is whether the application seeking implementation of earlier order of the Tribunal was barred by limitation. Section 27 of the AT Act, 1985 lays down:-

"27. Execution of orders of a Tribunal- Subject to the other provisions of this Act and the rules, the order of a Tribunal finally disposing of an application or an appeal shall be final and shall not be called in question in any court (including a High Court) and such order shall be executed in the same manner in which any final order of the nature referred to in clause (a) of sub-section (2) of Section 290 (whether or not such final order had actually been made) in respect of the grievance to which the application relates would have been executed.

20(2) For the purpose of sub-section (1), a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances,-

(a) if a final order has been made by Government or other authority or officer or other person competent to pass such order under such rules, rejecting any appeal preferred or representation made by such person in connection with the grievance."

7. Section 21 prescribes limitation in that behalf. Sub section (1) (a) of Section 21 postulates that:-

21.(A) A Tribunal shall not admit an application-

(a) in a case where a final order such as is mentioned in clause (a) of sub section (2) of Section 20

AB

has been made in connection with the grievances unless the application is made, within one year from the date on which such final order has been made."

4. In view of the above, it is clear that final order passed by the Tribunal is executable under Section 27 of the AT Act, within one year from the date of its becoming final. Admittedly, the final order was passed in O.A. on 23.8.2002 as well in CCP on 11.11.2003. Consequently, the applicant was required to file Execution Application within one year from the date of the aforesaid orders. The applicant has filed instant execution application on 19.8.2008 which is well beyond one year. In these circumstances, the application is barred by limitation. The applicant has also not filed any application for condonation of delay. The Apex Court in the case of Hukum Ram Khinvsara Vs. Union of India and others reported at 1997 Supreme Court Cases (L&S) 943 has held that in view of the provisions contained Section 27, 20(2) and 21(1) (a), final order passed by this Tribunal is executable within one year from the date of its becoming final. In these circumstances, we need not to go into the merit of the application. Accordingly, M.P.No. 1717/2008 is dismissed as barred by time.

A. Mishra 30/11/08
(Dr. A.K.Mishra)
Member (A)

Sadhna Srivastava
(Ms. Sadhna Srivastava)
Member (J)

HLS/-