

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Lucknow this the 2nd day of Nov., 99.

O.A. No. 194/91

HON. MR. D.C. VERMA, MEMBER(J)

HON. MR. A.K. MISRA, MEMBER(A)

Narendra Mohan, aged about 48 years, son of Late Bansi Ram, resident of 66 B, Singar Nagar, Alambagh, Lucknow.

Applicant.

None for applicant.

versus

1. Union of India through the G.M. N. Railway New Delhi.

2. Dy. Chief Electrical Engineer(W), Northern Railway, Lucknow.

Respondents.

By Advocate Shri Anil Srivastava.

O R D E R (ORAL)

BY D.C. VERMA, MEMBER(J)

By this O.A. the applicant has claimed the same relief which was granted by the Tribunal to the applicants of T.A. 218/86 and similar other O.A.s which were decided by the Tribunal vide its order dated 5.1.87 (Anneuxre-A-2 to the O.A.) and by the order of the Tribunal in O.A. 192/88 D.S. Chopra and others vs. Union of India and others decided on 6.1.87 (Anneuxre-5 to the O.A.).

2. The brief facts of the case are that the services of about 16 casual labourers were terminated by various orders. Some of the terminated casual labourers filed cases. Alternative employment was offered to the terminated casual labourers and some of them joined alternative jobs. The applicant's services were terminated vide order dated 27.4.73 w.e.f. 28.4.73 (Copy Anneuxre C-1 to the Counter Affidavit). When the applicant was offered alternative job of



Khalasi vide order dated 20.4.77, the applicant accepted the same. The applicant did not challenge the termination order dated 27.4.73. Cases of other casual labourers who had challenged their termination order before the Courts were allowed and the consequential benefits were also granted. (Anneuxre-A-2 and A-5 to the O.A.). After the decision of the aforesaid cases in the year 1987, the present O.A. was filed by the applicant in the year 1991 for claiming the same relief as was granted by the Tribunal to the applicants of the earlier O.As.

3. The respondents have contested the claim of the applicants and have filed Counter Affidavit. Rejoinder thereto has not been filed by the respondents.

4. As none has appeared for the applicant, we have heard the learned counsel for the respondents and with his help we have perused the pleadings on record and the Annexures attached thereto.

5. A preliminary objection has been taken by the learned counsel for the respondents that the applicant cannot get the benefit of the decision in the O.As Anneuxre A-2 and A-5, as the applicant had not challenged the termination order, <sup>on</sup> ~~has~~ merit. The applicant's services were terminated in the year 1973. He could have, like others, challenged the termination order in a judicial forum, but the applicant accepted the same. Consequently, that order cannot be challenged now at this stage in view of section 21(2) of the A.T. Act, 1985.

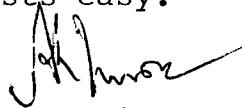
6. Secondly, the cause of action which arose to the applicant in the year 1973, cannot get extended by decision given in some other cases. The decision of a case in respect of similar matter would not

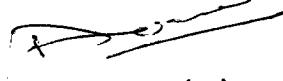


extend the limitation as provided under section 21(2) of the A.T. Act, 1985.

7. In view of the discussions made above, we find no merit in the case. The same is dismissed.

Costs easy.

  
MEMBER (A)

  
MEMBER (J)

Lucknow; Dated 2.11.99.

Shakeel/