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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD,

CIRCUIT BENCH AT LUCKNOW.

O.A. 39 of 1990 (L)

Abdul Wahab

...Applicant.

versus

Union of India & ors. ...Respondents.

Hon. MR. D.K. AGRAWAL, JUDL MEMBER.

Hon. MR. K. OBAYYA, ADM. MEMBER.

(HON.D.K. AGRAWAL, J.M.)

This Application under section 19 of the A.T. Act, 1985, has been filed, aggrieved with the order of termination dated 16.12.80/81. The applicant, employed as Electric Fitter in Northern Railway, absented himself with effect from 18.4.77 to 22.2.88 allegedly on the ground of illness and other personal domestic problems. He is said to have made application for leave. However, neither the copies of application, nor the dates of application, has been disclosed despite due opportunity to the applicant. The Supplementary Affidavit filed by the applicant is as vague as the Original Application. The question as to whether the application is time barred within the meaning of section 21 of the A.T. Act, 1985.

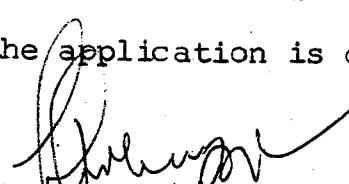
2. The applicant's contention is that the alleged order of termination was not communicated to him; that it had ^{never} ~~come~~ ^{prior to 6.2.89} come to his notice that such an order was passed. ~~before 6.2.89~~. Therefore, the applicant has urged that the limitation be reckoned from the date of his knowledge.

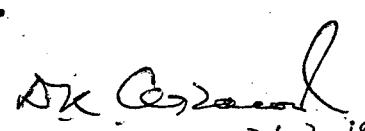
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However, the Act, i.e. the A.T. Act 1985, does not envisage so. The Act prescribes limitation for following three types of Applications:

- 1) The application filed against an adverse order passed after 1.11.1985.
- 2) The application filed against an adverse order passed in between 1.11.1982 to 1.11.1985
- 3) The applications filed in respect of adverse orders passed before 1.11.1982.

3. In cases falling under category 1 and 2 the Act confers the power on the Tribunal to condone delay under certain circumstances. As regards category 3, the Act clearly lays down that if the cause of action arose before 1.11.1982 and no proceedings for redressal of such grievance had been commenced before the said date, before any court or High Court, the Application shall not be entertained by the Tribunal. Thus, there is a statutory prohibition to entertain the applications in which the adverse order was passed prior to 1.11.1982. In this view of the matter the present applicant is not entertainable by the Tribunal within the meaning of the provisions contained in Section 21 of the Act. As such the application is dismissed summarily.


(K. OBAYYA)
ADM. MEMBER.


(D.K. AGRAWAL) 21.3.1990
JUDL. MEMBER.

Dated the 21st March, 1990.