

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 284/2011

This the 3rd day of April, 2013

Hon'ble Sri Justice Alok Kumar Singh, Member (J)

Krishna Dev Tripathi son of Sri Pateshwari Prasad Tripathi,
resident of Village Lalakpurwa, Post Bhatpurwa Via Khargupur
Bazar, District-Gonda

Applicant

By Advocate: None

Versus

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. Union of India through the Dy. Director General, Military Farm, Army Head Quarters, OMG's Branch, Block No.3, R.K. Puram, New Delhi-110066.
3. The Director of Military Farm, Head Quarters, Central Command, Lucknow-2.
4. The officer in charge, Military Farm, Allahabad.

Respondents

By Advocate: Sri Rajendra Singh

ORDER (Dictated in Open Court)

HON'BLE SHRI JUSTICE ALOK KUMAR SINGH, MEMBER (J)

List revised. It is 12.30 pm. No body is responding for the applicant.

2. M.P. No. 1883/2012: This is a formal application for condonation of delay in filing C.A. There is no body to oppose this application. Therefore, in the interest of justice, it is allowed. C.A. is taken on record filed along with M.P. No. 1884/2012 by the respondents.

3. A Reply/ Objection on behalf of the respondents against the delay condonation application and its affidavit is also on record.

4. M.P. NO. 2899/2011: This is an application for summoning the service record of the applicant. As there is none to press it, this application is rejected.

AS

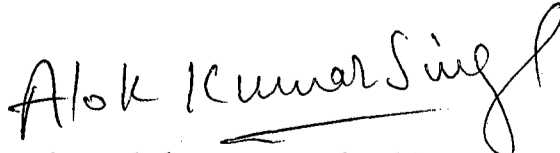
5. M.P. No. 1614/2011: Heard arguments on behalf of the respondents and perused the affidavit filed along with objection against delay condonation application.

6. As per para 3 of the affidavit sworn by Sri O.S.Gupta, Officer-in-Charge, Military Farm, Allahabad which is an uncontroverted affidavit, the applicant was initially engaged as Casual labour in 1989 and as per record available, his name did not find place in the Casual Labour List prepared on 23rd June, 1998. The photo copy of this list has been placed at Annexure No.1. Further, as per averment contained in para 6 of this affidavit, the matter is about 22 years old. Some of the similarly situated persons had filed O.A. No. 948/1999 and CCP No. 145/2001 before CAT, Allahabad and in furtherance of the orders passed therein, the relevant committee examined the possibility of redeployment of Casual Labourers in Military Farm, Allahabad. Further, three similar cases were filed before the Hon'ble CAT, Delhi (O.A. No. 4115/2010, O.A. No. 3890/2010 and O.A. No. 962/2011) which were dismissed by the Principal Bench vide order dated 14.10.2011. The attention of this Tribunal is also drawn towards letter dated 15.6.2004 (Appendix D) wherein Military Farm, Bargarh (near Allahabad) is mentioned at Sl.No.7 and it has been said in this letter that all the 8 Military Farms, including Baragarh (where the applicant had been engaged as Casual Labour earlier) have been closed.

7. None is present on behalf of the applicant to press the above application for condonation of delay in filing O.A. Nevertheless, this application was thoroughly perused along with enclosed affidavit. In the entire affidavit, no plausible and satisfactory explanation has been given in respect of inordinate delay of several years. Even if the applicant's claim is taken to be correct that his engagement was orally terminated in the year

1999, there is an apparent delay of about 12 years as this O.A. has been filed in July, 2011. It is also noticed that earlier O.A. No. 559/99 was filed before the Allahabad Bench of this Tribunal which was dismissed on 4.3.2003. At this stage, the aforesaid original file of OA. 559/99 was perused which had been summoned from Allahabad. Its perusal shows that on 4.3.2003, this O.A. was dismissed in default and non-prosecution. Thereafter, it was never restored. However, after about 6 years, an application for restoration was moved along with delay condonation application. On 26.2.2010, this matter was taken up and after hearing the learned counsel for the applicant, CAT, Allahabad found no reason of restoring the case. However, in the concluding paragraph, it is mentioned that O.A. is dismissed with liberty to file afresh O.A. With all the due regards at my command, it has to be mentioned here that when the O.A. was already dismissed on 4.3.2003 then there was no occasion for its second dismissal on 26.2.2010 giving liberty to file fresh O.A., if so required. Be that as it may.

8. Finally, therefore, in view of the observation made by this Tribunal on 22.7.2011 regarding want of territorial jurisdiction etc. and also having regard to the aforesaid facts and circumstances, I regret in not finding any substance in favour of the applicant. Therefore, the delay condonation application is rejected. Consequently, there is no question for entertaining this O.A. Accordingly, it is also dismissed. No order as to costs. The record of O.A. No. 559/99 of CAT, Allahabad Bench be returned.


(Justice Alok Kumar Singh)
Member (J)