

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH: PATNA

Registration No.OA-60 of 1996

(Date of decision 28.7.1997)

Shubh Chandra Mishra

S/o Late Rudra Kant Mishra,

Ex-Casual Labour Madhubani Head P.O

at Madhubani, Resident of village

and P.O.Koilakh, P.S.Rajnagar,

via Rampatti, District Madhubani(Bihar) Applicant

By Advocate: Shri S.N.Tiwary.

Versus

1. The Union of India

Through the Secretary,

Govt. of India, Min. of Communication,

Deptt. of Posts, New Delhi.

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The Director General,

Deptt. of Posts, India,

Dak Bhawan, New Delhi-110001.

2. The Chief Postmaster General,

Bihar Circle, Patna-800 001.

3. The Postmaster General,

Northern Region, Muzaffarpur-842002.

4. The Supdt. of Post Offices,

Madhubani Division Madhubani.

5. The Head Postmaster,

Madhubani Head Post Office

at Madhubani (Bihar) Respondents

By Sr.Standing Counsel: Shri J.N.Pandey.

Coram: Hon'ble Mr. Justice V.N.Mehrotra, V.C.

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O R D E R

Hon'ble Mr. Justice V.N.Mehrotra, Vice-Chairman:

This OA has been filed under Section 19 of the Administrative Tribunals Act, 1985 praying that the respondents be directed to employ the applicant as casual labour at Madhubani Head Post Office or at any other post office in the same Division. The applicant has also prayed that the respondents be directed to grant temporary status in Group 'D' cadre to the applicant from 29.11.1989 and allow him all consequential benefits. The applicant has alleged that he was employed as casual labour in Madhubani Post Office under the administrative control of the Superintendent of Post Offices, Madhubani Division and the Head Postmaster of Madhubani Post Office right from the year 1982 to April, 1991 with certain breaks as given in para 4.3 of the O.A. It is asserted that in accordance with the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1991, dated 12.4.1991, he was entitled to be granted temporary status as he was working as casual labourer on 29.11.1989 and had rendered continuous service of atleast one year by working for a period of 240 days in a year. It is further asserted that the applicant moved applications for his regularisation right from the year 1985 but he was not regularised and instead the respondents have discontinued his engagement as casual labourer with effect from 16.4.1991. It has been contended that the applicant thereafter made representations on 21.6.1991, 7.6.1992, 18.8.1994, 5.6.1995 and 12.10.1995 before the competent authority but no reply was received by him. It is in these circumstances that

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the applicant asserts that he should be taken back as casual labourer and granted temporary status.

2. On behalf of the respondents the assertions made by the applicant have been denied. It is also denied that the applicant worked for the period as asserted by him or that he was entitled to be granted temporary status in accordance with the above mentioned scheme. The respondents have also specifically disputed the correctness and authenticity of the documents which have been filed by the applicant. It has been asserted that these documents were not available in the office nor the representations alleged by the applicant were received, except the representation of 1994. The learned Senior Standing Counsel has also, during the arguments, raised the plea that the present OA was clearly barred by limitation and should be dismissed for this reason also.

3. The applicant has also filed rejoinder asserting that he had actually worked during the period as mentioned by him in the OA. He has also alleged that the documents filed by him were genuine.

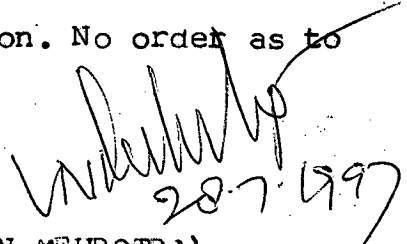
4. I have heard the learned counsel for the parties and have perused the material on record. According to the assertions by the applicant himself he is not working as casual labour with effect from 16.4.1991 as his engagement was discontinued from that date. According to him he was entitled to continue as casual labour and was also entitled to be conferred with the temporary status. Thus, according to him, his disengagement from 16.4.1991 was invalid. The present OA has been filed by the applicant on 9.1.1996. The period of limitation in the present case would have started running from 16.4.1991. The applicant asserts that he had submitted repeated representations to the authority concerned right from the

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the year 1991 but the same were not replied to.

The respondents have not admitted that any representation was moved in the year/1991, 1992 or 1993 but have admitted the receipt of representation of the year 1994 alone. However, even if it is admitted that the applicant had filed first representation on 21.6.1991, as is asserted by him, he could have waited for six months for the disposal of the same. There was no reason for him to file repeated representations from the year 1991 upto 1995. The filing of repeated representations cannot extend the period of limitation. It is thus clear that the present OA is on the face of it barred by limitation. The present OA was admitted subject to the question of limitation being adjudicated later on. The applicant has not even pleaded for condonation of delay in filing this OA nor any fact has been mentioned from which it could be inferred that there was any sufficient reason for not filing the OA within the period of limitation.

5. In view of the above circumstances this OA is liable to be dismissed on the ground of bar of limitation. It is not necessary, therefore, to consider the same on merit. The OA is hereby dismissed on the ground that it is barred by limitation. No order as to costs.


(V.N.MEHROTRA)
VICE-CHAIRMAN