

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA No. 265 of 2006

Date of order : 27 July, 2007

CORAM

Hon'ble Mr. Amit Kushari, Member [Admn.]

1. Smt. Imamum Nisha, wife of Md. Sadique resident of village – Samochak, P.O. - Hazipur, District – Vaishali.
2. Sri Md. Main, son of Md. Sarif resident of Village – Samochak P.O. Hazipur, P.S. Hazipur[Sadar], District – Vaishali.
3. Md. Sarif son of Md. Ramzab Ali, resident of village Samochak, P.O. Hazipur, District – Vaishali.
4. Md. Alam son of Md. Islam, resident of village – Samochak, P.O. Haroli, P.S. Hazipur[Sadar] District – Vaishali.
5. Ms. Husano Bano, D/o Md. Jamaluddin Ansari, residence of village Samochak, P.O. Hazipur, P.S. Hazipur [Sadar] District Vaishali.
6. Nagendra Ram son of Sri Fulchand resident of Village and P.O. Subhay P.S. Hazipur, District – Vaishali.

Applicants.

Vrs.

1. The Union of India through Chairman, Railway Board, Ministry of Railway, Rail Bhawan, New Delhi.
2. The General Manager, East Central Railway, Hazipur.
3. Divisional Railway Manager, East Central Railway, Danapur.

Respondents.

Counsel for the applicant : Shri R.K. Bariar
Counsel for the respondents : Shri B.K.Sinha, ASC

ORDER

Amit Kushari, Member [Admn.] : -

Shri R.K.Bariar, ld. counsel argued on behalf of the applicant and shri B.K. Sinha, ld. ASC argued for the respondents [Railways]. Their arguments were heard and the pleadings were perused carefully.

2. The applicants, six in number were engaged on various dates between 1975 to 1984 as Casual Labourers and after working for 1- 2 years , they were all disengaged from railway service on various dates between 1982 to 1986. Most of them discharged before 1982.

3. The applicants have claimed that they were retrenched from service due to want of work but the respondents went on engaging new faces and new casual labourers and never bothered to provide any work to the applicants . However, the applicants have not been able to show that they had represented to the authorities in a formal way. No such copy of representation has been annexed with the O.A. However, some copies of letters have been annexed which show that they did approach some higher authorities, like Railway Minister, Department of Public Grievances and

dh

D.O.P.& T etc. These representations cannot be taken as proper representations before the empowered authorities.

4. Shri B.K.Sinha, Id. ASC for the respondents drew my attention to the written statement where the department has pointed out some anomalies and falsehood in th claims of the applicants. From the documents supplied by the applicants, it seems that one applicant is five year old ^{er} than his mother who is also an applicant. In the casual card the name of the husband of one applicant has been shown as Sharif whereas in the O.A. the applicant's husband has been shown as Sadique.

5. Shri B.K.Sinha, Id. ASC points out that this O.A. is full of wrong facts and the matter has been agitated after a lapse of more than two decades. During the last two decades, the applicants did not raise their grievances before any court of law, hence this application should be treated as time barred under Section 20 of the A.T. Act.

6. I have considered the arguments of both sides carefully. It seems that the applicants had worked as casual labours for a very short period, about 20 - 25 years ago. During this long period, they have neither given any proper representation to the railway authorities nor they have approached any court of law against their disengagement. Their application is, therefore, hopelessly time barred and cannot be entertained under Section 20 of the

fr

A.T.Act. Since a long time has passed the documents they have attached with the O.A. are also full of wrong information, hence these documents cannot be relied upon. The O.A., therefore, seems to be time barred as well as mis-conceived and therefore, this O.A. cannot be allowed. No costs.



[Amit Kushari]
Member [Admn.]

mps.