

(7)

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 587

1988

T.A. No.

DATE OF DECISION 13-11-91

Bharat Deorao Khabragade Petitioner

Sri P.M. Deshkar Advocate for the Petitioner(s)

Versus

G.O.I & others Respondent

Sri P.S. Lambhat Advocate for the Respondent(s)

CORAM By Hon'ble Mr. Justice V.C. Srivastava, J.C.

The Hon'ble Mr. Justice V.C. Srivastava, J.C.

The Hon'ble Mr. M.Y. Pralhar, member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?



(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, BOMBAY BENCH
CIRCUIT BENCH : NAGPUR

Registration O.A.No. 587 of 1988

Bharat Deorao Khobragade Applicant
Vs.
Union of India & Others Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. M.Y. Priolkar, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was appointed as Casual Labour by the respondents. According to the applicant he had worked from 31.8.72 to 18.10.73 and thereafter from 23.9.76 to 18.10.76, and again he was appointed on 2.3.81 to 23.9.81 and for 24.10.81 to 26.8.82 thereafter he was not appointed. The applicant made various approaches for getting the appointment, but he failed in the same. Thereafter he approached the Labour Court under Section 33(c) of the Industrial Disputes Act, where he prayed for monetary pay with respect to the work done by him for a particular period and also claim to continuity of the service. The Labour Court allowed his monetary claim which the applicant had accepted and obviously the Labour Court under Section 33(c) could not be entered into the question whether the services of the applicant were rightly or wrongly terminated and that is no order has been passed on behalf of this part. The applicant after waiting for 2 years and thereafter he approached the Tribunal claiming that his services were wrongly terminated and the persons who are juniors to him were retained. No explanation of delay has been given and as such the application deserves to be dismissed on the ground of limitation. However, as the applicant had worked from the year 1972 to 1982 with broken periods.

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It is for the applicant to approach the respondents,
and the respondents may like to consider his prayer for
re-employment in view of the facts that the persons
appointed subsequent to the appointment of the applicant
have been retain^{ed} in service.


Member (A)


Vice-Chairman.

13th Nov., 1991, Nagpur.

(sph)