

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:668/99

DATE OF DECISION: 10.12.1999

Shri Vishnu Pitalu Admane _____ Applicant.

Mrs. Ujjwal Agarwal _____ Advocate for
Applicant.

Versus

Chief General Manager ----- Respondents.
Telephones, GEO Bldg.,
Mumbai and others.

Shri V.S.Masurkar _____ Advocate for
Respondent(s)

CORAM

Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman

Hon'ble Shri B.N.Bahadur, Member (A)

- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to
other Benches of the Tribunal?
- (3) Library.

NV

R.G.Vaidyanatha
(R.G.Vaidyanatha)
Vice Chairman

NS

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO:668/99

FRIDAY the 10th day of DECEMBER 1999.

Vishnu Pitalu Admane
C/o Mirza Munir Baig
Sangam Travels,
Near Pan Shop,
Near Ghomodiya Factory
Nanded.

...Applicant

By Advocate Mrs.Ujjwal Agrawal

V/s

1. Chief General Manager
Telephones, GPO Bldg.,
Mumbai.
2. General Manager,
Telecom,
Marathwada Area,
Nanded.
3. Sub-Divisional Engineer
(HRD) T.D.M. Telephones,
Nanded.
4. Sub-Divisional Officer
Telephones, Parbhani.

...Respondents.

By Advocate Shri V.S.Masurkar.

ORDER (ORAL)

(Per Shri Justice R.G.Vaidyanatha, Vice Chairman)

1. This is an application filed by the applicant challenging the oral order of termination dated 1.12.1985 and re-instatement with full back wages. The respondents have filed reply opposing the application. We have heard counsel for both sides regarding admission.


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2. The applicant has filed the present OA challenging the oral order of termination. On the face of it the application has been filed nearly 14 years after the cause of action. The applicant has filed MP 741/99 for condonation of delay. The only reason given in the MP for condonation of delay is that the applicant has been approaching the respondents and gave number of representations. No reply has been received. Hence he ultimately filed this OA.

3. In our view the reasons given in the MP are not sufficient for condoning the delay. Sending repeated representation will not save and arrest the period of limitation. It is a well known principle of law as per the decision of the Supreme Court in the case of 1996 SCC (L&S) 205 Administrator of Union Territory of Daman and Diu V/s R.D.Valand. Therefore mere fact that the applicant has been sending repeated representation will not help him for condoning the delay of 14 years. This is not a case of permanent governemnt servant. The applicant was only a Casual labourer and on particular date he was told not to attend. The Casual labourers are engaged only if there is work. It is not a case of termination. The Casual labourers are engaged whenever there is work. The applicant has approached the Tribunal after a lapse of 14 years. He has not given sufficient reasons for condonation of delay. Hence we do not find any merit in the application. The applicant's remedy is elsewhere and not before the Tribunal,if he claims any right under the Industrial law.



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4. The applicant has also filed M.P. 761/99 for certain direction which will not survive since we have reached the conclusion that this is not a fit case for admission. MP 761/99 is disposed of since the same does not survive.

5. In the result OA and both the MPs are rejected at the admission stage. No order as to costs.

B.N.Bahadur

(B.N.Bahadur)
Member (A)

NS

R.G.Vaidyanatha

(R.G.Vaidyanatha)
Vice Chairman