CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Dated this Tuesday the 11th day of June, 2002

Coram: Hon'ble Mr.B.N.Bahadur - Member (A)

O.A.582 OF 2001

Dattatraya Balu Mate
aged about 31 years,
R/o Post Khadakvasla,
Taluka Haveli,
District Pune.
(By Advocate Shri A.Shivade) - Applicant

Versus

1. Union of India
through the Secretary,
Ministry of Water Resources,
South Block,
New Delhi.

2. Central Water and Power
Research Station,
through the Director,
Khadakvasla Research Station,
Pune.
(By Advocate Shri V.G.Rege) - Respondents

O.A.583 OF 2001

Rajendra Balasaheb Mate,
aged about 31 years,
R/of Post Khadakvasla,
Taluka haveli District Pune.
(By Advocate Shri A.Shivade) - Applicant

Versus

1. Union of India
through the Secretary,
Ministry of Water Resources,
South Block, New Delhi.

2. Central Water and Power
Research Station,
through the Director,
Khadakvasla Research Station,
Pune.
(By Advocate Shri V.G.Rege) - Respondents

....2/-

ORDER (Oral)

By Hon'ble Mr.B.N.Bahadur, Member (A) -

The two OAs bearing Nos.582 of 2001 and 583 of 2001 were heard together with consent of both learned counsel, as they are similar. For the sake of convenience let us take facts in OA No.582 of2001.

2. The applicant in this case comes up to the Tribunal seeking a relief by way of mandamus etc that he be appointed on Class - IV vacancy on compassionate grounds. Upon going through the facts of the case it was seen prima facie that the matter suffers from delay and laches and could be hit by law of limitation (Section 21 of the AT Act, 1985). I therefore heard the learned counsel on both sides viz. on the point of limitations first. The learned counsel Shri Shivade took me over to Misc Petition 695/2001 filed for condonation of delay and pleaded his case with reference to the grounds taken under the Misc.Petition. I have carefully gone through the grounds and find that none of them justify a long delay of about four years and five months. Without controversy the date on which the applicant was communicated the rejection of his application for compassionate appointment is 27.3.1997. The OA has been filed on 3.8.2001. Thus the delay is about four years and five months.

3. One of the grounds (though not mentioned in the Misc.Petition) that was taken by the learned counsel for the applicant was that he had gone in for Conciliation proceedings before the Assistant Labour Commissioner, under the Industrial Disputes Act. The facts in this regard can indeed be gleaned

from the written statement filed in reply by the respondents and from the rejoinder. The argument taken by learned counsel for applicant was that undisputedly he had gone to the wrong Court and, therefore that period during which the matter was pending there should not be computed for limitation. The learned counsel for the applicant stated that the applicant had no knowledge whatsoever of the disposal of the application by the Assistant Labour Commissioner. This contention of the learned counsel for the applicant will not help the applicant who had himself approached the Assistant Labour Commissioner. Also it is not as though he had withdrawn his application there or as if the Court had ordered that it had no jurisdiction. Even so as pointed out by the learned counsel for Respondent, Shri V.G.Rege, the decision therein, to the effect that "no reference need be made" was taken as early as in July, 1997 and even if the said period of pendency of the Application in the Labour Court is discounted, the limitation would again start from July, 1997 and the case would be badly hit, in any case.

4. Since the matter is hit by limitation (Section 21 of the AT Act, 1985) and suffers from delay and laches,the OA deserves to be dismissed. Now the facts in OA No.583/2001 are indeed similar and this OA also deserves to be dismissedforthe same reasons.

5. In the consequence, both OAs 582/2001 and 583/2001 are hereby dismissed. No orders as to costs.

B.Bahadur

(B.N.Bahadur)
Member (A)

mb

dt: 11.6.2002
Order/Judgement despatched
to Applicant/Respondent (s)
on 22:7.02

1/8