

CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
NEW BOMBAY

O.A. 330/90, 338/90, 339/90 & 340/90
alongwith M.P.Nos.360/90,
361/90, 362/90& 363/90

Arun Pandurang Varde, Bhusawal
Shalik Sopan Fegade, Bhusawal
Girishkumar Bhavaniprasad, Itarsi.
Suresh Yadav Barhate, Jalgaon.

.. Applicants

VS.

The Union of India
through the General Manager
Central Railway, Bombay.

.. Respondent

Coram: Hon'ble Shri A.P.Bhattacharyya,
Member(J)

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

Dated: 19-7-1990

Appearances:

Mr. J. G. Sawant
for the respondent.

Tribunal's Order

(Per: Shri A.P.Bhattacharyya, Member(J))

All these 4 original applications bearing Nos.330/90, 338/90, 339/90 and 340/90 and M.Ps No. as 360/90, 361/90, 362/90 & 363/90 are taken up together as the matter involved in the original applications is the same and as the only prayer made in the M.Ps is for condonation of delay in filing the respective original applications.

2. The applicants of these original applications were engaged as casual labour/khalasis in the Central Railway. It is their case that after they had worked some period as such their services were terminated suddenly. They made representations to the Divisional Railway Manager, Bhusawal, Central Railway,

(W)

~~Central Railway~~, challenging the termination of their services and claiming for reinstatement. No reply was given to their representations. Thereafter, they moved applications before the Regional Labour Commissioner, Bombay, which were ultimately filed. In filing the present applications, the applicants have prayed for quashing the orders of termination and for issuing directions to the respondents for their reinstatement.

3. All the applications have been opposed by the respondents mainly on the ground of limitation. It is the contention of the respondents that when the services of the applicants were terminated as early as in 1986, their present application, filed in May, 1990, cannot be entertained by this Tribunal as they are hopelessly barred by limitation.

4. Considering the facts and circumstances of the cases we feel inclined to accept the respondents' version.

5. In O.A.330/90 the applicant was served with a show cause notice, dated 1-5-86, by which he was called upon to explain within 15 days as to why his services would not be terminated as he had secured the appointment of casual labour on production of a fake casual labour card. Such is also the case with the other cases. In O.A.338/90 the applicant was served a similar show cause notice issued on 28-5-86. The applicant of O.A.339/90 was served one such showcause notice. In O.A. 340/90 the applicant was served with a show cause notice, dated 26-12-86. In none of the cases the applicant had shown cause ~~for~~ pursuant to the aforesaid notices. Afterwards their services were terminated. We find it from the records that being aggrieved by such termination the applicants made representations to the concerned authorities on 16-4-87.

(W)

On 28-9-87 they made applications to the Regional Labour Commissioner, Bombay praying for their reinstatement. Those applications were ultimately filed. What we get from the records is that the labour court proceedings started on the applications made by these applicants were closed in October, 1987. It is curious that the applicants had not thereafter pursued their representations with regard to their challenge against the termination orders or with regard to their reinstatement. From the records we also find that the as late as on 2-1-90 a letter was given on their behalf by their advocate to the Railway Minister for considering all their cases. Ultimately the applicants filed these applications before this Tribunal in May, 1990. Considering the circumstances we are constrained to hold that these applications cannot be entertained by this Tribunal as they are hopelessly barred by limitation. By filing these applications in 1990 the applicants have desired to get rid of same orders of termination passed before 4 years i.e. in 1986. These are not such cases where the impugned orders of termination were passed without giving the applicants any opportunity of being heard. We have already mentioned that they were given opportunities to explain the allegations made against them. They did not like to put forward their explanations. Naturally, therefore, orders were passed terminating their services. After submitting representations in some parts of 1987 they slept over their rights and had not pursued the matter further. All of a sudden they woke up in May, 1990 and thought it wise to file such applications before this Tribunal. In our opinion as the applicants claims have become stale and as they are barred by limitation we cannot entertain them. The reasons given by them in their M.Ps for the delay occurred in filing the original applications are no reasons at all. They are far from satisfactory.

So we find no reason to condone the inordinate delay in their filing the original applications. So, considering all we dismiss the original applications alongwith the M.Ps summarily at the state of admission itself. (6)

6. This order governs all the 4 cases, namely O.A.330/90, 338/90, 339/90 & 340/90 and 4 M.Ps bearing Nos. 360/90, 361/90, 362/90 & 363/90.

19-7-90
(M.Y.Priolkar)

Member(A)

A.P.Bhattacharyya
(A.P.Bhattacharyya)

Member(J)