

(20)

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD.

XXXXXX
O.A.NO.660/89
XXXXXX

Date of Decision:

Mr. Sailu

Petitioner.

M/s S.Thripura Sundari and ors.

Advocate for
the Petitioner(s)

Versus

The AE, Material Manager, Hyd. and 2 others

Respondent.

Mr. NR Devaraj

Advocate for
the Respondent
(s)

COR.M:

THE HON'BLE MR. R.Balasubramanian, Member (Admn.)

THE HON'BLE MR. C.J.Roy, Member (Judl.)

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporters or not ?
3. whether their lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on Columns 1,2,4 (To be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)

HRBS
M(A)

HCJR
M(J)

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.660 of 1989

DATE OF JUDGMENT: 13 OCTOBER, 1992.

BETWEEN:

Mr. Sailu

Applicant

AND

1. The Assistant Engineer
(Material Management,
Hyderabad-1.

2. The General Manager,
Telecom District,
Hyderabad.

3. The Assistant General Manager,
Telecom, A.P.,
Hyderabad. ..

Respondents

COUNSEL FOR THE APPLICANT: M/s S.Thripura Sundari) &
PN Venkata Chary
and VVNL Sarma

COUNSEL FOR THE RESPONDENTS: Mr. N.R.Devaraj, Sr.CGSC

CORAM:

Hon'ble Shri R.Balasubramanian, Member (Admn.)

Hon'ble Shri C.J.Roy, Member (Judl.)

contd....

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JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI C.J.ROY, MEMBER(JUDL.)

This is an application under Section 19 of the Administrative Tribunals Act, 1985 (13 of 1985) filed by the applicant herein claiming a relief, "to declare the action of the respondents in terminating the services of the applicant by verbal orders as illegal and that the applicant shall be deemed to have been in service without any break; directing the respondents to regularise the services of the applicant with effect from the date of his first appointment; and directing the respondents to finalise the seniority of indoor casual mazdoors as per the instructions of the 3rd respondent in his letter No.TA/STA/9/1/Rlgs.III dated 19.3.1981 fixing the seniority of the applicant at an appropriate place."

2. The applicant states that he was appointed as Casual Mazdoor with effect from 18.8.1979 by the 1st respondent herein. He was sponsored by the Employment Exchange. He was put off from duty w.e.f. 9.4.1985. He states that the work in the Department is perennial and as such the question of stoppage of work does not arise. No reasons are assigned for terminating the services of the applicant. He made a representation dated 25.2.1988 but there was no reply given by the respondents. Hence, this application.

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3. When the case was called at 12.30 pm on 29.9.1992, there was no representation from the applicant's side despite the case being listed for dismissal on that day. Hence, we have heard Mr. N.R. Devaraj, learned Senior Standing Counsel for the Respondents.

4. Annexure at Page No.4 is the representation by the applicant dated 25.2.1988 requesting to provide him work. The applicant states in this application that he was put off from duty w.e.f. 9.4.1985. When he was put off from duty w.e.f. 9.4.1985, he should have immediately made a representation and after waiting for about 1½ years he should have filed the O.A. under Section 20^{and 21 and 19} of the Administrative Tribunals Act, 1985. But the applicant made the representation only on 25.2.1988 ie., nearly three years after he was put off from duty, which is clearly barred by limitation. Hence, this application is hit by Section 20^{and 21} of the Administrative Tribunals Act, 1985 as no departmental remedies are exhausted by the applicant in time, ^{and is barred by limitation} The limitation starts running from the date when he was put off from duty i.e., w.e.f. 9.4.85. The applicant kept quiet for about three years and made representation dated 25.2.1988 thereafter. There is no condone delay petition ~~xxxx~~ filed by the applicant. This O.A. was filed on 20.7.1989 and it was registered on 28.8.1989 due to office objections.

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5. Hence, we hold that the departmental remedies are not exhausted in time by the applicant herein under Section 20 of the Administrative Tribunals Act, 1985 and that the O.A. is also timebarred under Section 21 of the Administrative Tribunals Act, 1985. The application is not maintainable.

6. The O.A. is accordingly dismissed with no order as to costs.

R. Balasubramanian

(R. BALASUBRAMANIAN)
Member (Admn.)

C. J. Roy
(C. J. ROY)
Member (Judl.)

Dated: 13th October, 1992. Dy. Registrar (Judl.)

Copy to:-

1. The Assistant Engineer (Material Management), Hyderabad.
2. The General Manager, Telecom, District, Hyderabad.
3. The Assistant General Manager, Telecom, A.P. Hyd.
4. One copy to Smt. S. Thripura Sundari, advocate, 11-6-868, Red Hills, Hyd.
5. One copy to Sri. N. R. Devaraj, Sr. CGSC, CAT, Hyd.
6. One spare copy.

vsn
Rsm/-

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