

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. No. 839/94.

Dt. of Decision : 19.7.94.

1. M. Lakshmana
2. M. Durganaidu
3. P. Chandrasekhara Rao
4. S. Sreenivasa Rao
5. K. Sarga Rao
6. M. Ramu
7. K. Bangarayya
8. K. Prasada Rao
9. S. Chinna Rao
10. S.V.S. Prasada Rao
11. A. Nageswara Rao
12. R. Mahalaxmi Naidu
13. R. Kanaka Raju
14. J. Raju

Vs

1. The Union of India rep. by its Secretary, Ministry of Defence, New Delhi.
 2. Engineer-in-Chief, E-in-C's Branch, ADQ, DHQ, Post, Kashmeri House, New Delhi.
 3. Chief Engineer, Southern Command, Pune - 1.
 4. Chief Engineer, (Nav) Station Road, Visakhapatnam - 4.
 5. C.W.E. (P) IRSD Area, Kancharapalem Post, Visakhapatnam.
 6. Garrison Engineer, (P) E/M, C/o.CEW (P), 9 IRSD Area, Kancharapalem Post, Visakhapatnam.
- .. Respondents.

Counsel for the Applicants : Mr. K. Venkateswara Rao

Counsel for the Respondents : Mr. K. Bhaskara Rao, Addl. CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

MEMBER (ADMN)

25/8

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O.A.No.839/94

X As per Hon'ble Shri A.V.Haridasan, Member (Judl.) X

The 16 applicants in this case who claim to have worked as casual labourers during the years 1977 to 1981 for various number of days have filed this application praying that it may be declared that the action of the respondents in not reengaging the applicants in preference to persons with less service is against the direction contained in the letter of the Ministry of Defence dated 10.9.53 and the order of the Tribunal in OA.1194/91 and 1195/91. We have gone through the application and have heard Mr.K.Venkateswara Rao, learned counsel for the applicant and Mr.K.Bhaskara Rao, learned Standing Counsel for the respondents. Having gone through the application carefully we find that the applicants did not have a substituting cause of action which can be agitated before this Tribunal under Section 19 of the Administrative Tribunals Act. The grievance of the applicants is that they were not engaged after 1981. The last date of engagement of the applicants is in the month of February 1981 which is more than 3 years prior to the commencement of the Administrative Tribunals Act. Any grievance which arose more than 3 years prior to the date of commencement of the Administrative Tribunals Act cannot be entertained by this Tribunal at this distance of time as there is total bar of jurisdiction.

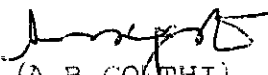
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2nd P
Pr

(23)

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Therefore it is a case of inherent lack of jurisdiction and limitation. The applicants who were dis-engaged as early as in the month of February 1981 after a lapse of more than 10 years ^{have} come forward a claim that in the light of Government of India's instructions contained in a letter of the year 1953 it should be declared that the action of the respondents in not reengage them is arbitrary. ~~we find no case~~ to be gone into as the claim is barred by lack of ^{by} jurisdiction as also/limitation. We reject this application under Section 19 (3) of the Administrative Tribunals Act. No order as to costs.


(A.B. GONTHI)
Member (Admn.)


(A.V. HARIDASAN)
Member (Judl.)

Dated : 19th July, 1994

sd

Copy to:-

1. Secretary, Ministry of Defence, Union of India, New - Delhi.
2. Engineer-in-Chief, E-in-C's Branch, ADQ, DHQ, Post, Kashmeri House, New Delhi.
3. Chief Engineer, South ern Command, Pune-1.
4. Chief Engineer (Nav) Station Road, Visakhapatnam-4.
5. C.W.E.(P) IRSD Area, Kancharapalem Post, Visakhapatnam
6. Garrison Engineer, (P) E/M C/o. CEW (P), 9 IRSD Area Kancharapalem Post, Visakhapatnam.
7. ~~One copy to Sri. K. Venkateswara Rao, advocate CAT, Hyd~~
8. One copy to Sri. K. Bhaskar Rao, Addl. CGSC, C.M., ~~Hyd.~~
9. One copy to Library, CAT, Hyd.
10. One spare copy.

Rsm/-

3rd page
As 27/7/94

O.A. 839/94

Typed by
Checked by

Compared by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN: MEMBER(J)

AND

THE HON'BLE MR.A.B.GORTHY : MEMBER(A)

Dated: 19/7/94

ORDER/JUDGMENT.

M.A./R.P./C.P.NO.

O.A.NO.

in

839/94

T.A.NO.

(U.P.NO.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with directions.

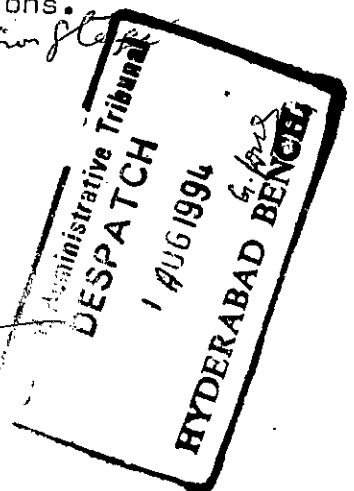
Dismissed. *at admission*

Dismissed as Withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.



Pr 27/7/94 *27/7*