

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 19.07.2000

JA No.502/1996 with MA No.432/96

Gulam Mohammad S/o Shri Akbar Ahmed, Ex-Blacksmith, Dhadi Karigaran of Phulera.

.. Applicant

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai
2. The Divisional Railway Manager, Western Railway, Jaipur Division, Jaipur
3. The Chief Engineer (Construction), Western Railway, Churchgate, Bombay.
4. Chief Engineer (Construction), Western Railway, Jaipur.

.. Respondents

Mr. P.V.Calla, counsel for the applicant.

Mr. Hemant Gupta, Proxy counsel to Mr. M.Rafiq, counsel for respondents

CORAM:

Hon'ble Mr. Justice B.S.Raikote, Vice Chairman

Hon'ble Mr. N.P.Nawani, Administrative Member

ORDER

Per Hon'ble Mr. Justice B.S.Raikote, Vice Chairman

This application is filed for a direction directing the respondents to reinstate the applicant in the capacity he was working on 14.1.1983, from the date his juniors are retained or persons subsequently employed, with all consequential benefits. Alternatively, the applicant prays



that respondents may be directed to award pension, if he is not reinstated in service.

2. In the application, it is stated that in the year 1958 he was engaged as Casual Labour in the Western Railway and he was dis-engaged in the year 1983. Again he was re-engaged in the year 1983 for sometime and thereafter dis-engaged. It is further stated that after his dis-engagement on 14.1.1983 some of his juniors have been continued and other persons have also been employed as Casual Labourers. If that is so, the applicant is entitled to the relief as mentioned above.

3. By filing a counter the respondents have denied the case of the applicant. They have also denied Ann.A1 and Ann.A2 being illegible. They also contended that the application itself is barred by limitation.

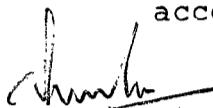
4. After hearing the counsel for the parties and also on perusal of pleadings in the case, we find that the applicant's grievance, if any, relates to the year 1983 based on the allegation that he was engaged in the year 1958 and dis-engaged in the year 1983, whereas this application is filed in the year 1996. Thus from these circumstances, it is clear that the application is barred by time. Even taking Ann.A2, from this only thing we can infer is that the applicant worked in the year 1982 as Casual Labour for about 73 days in four spells. From this document, even if it is taken that the applicant has worked as Casual Labour in the years 1982 and 1983, but he failed to make out the sufficient cause for the delay of about 13 years in filing this application. It is brought to our notice that the applicant has already attained the age of superannuation in the year

B.M

1998. If that is so, the applicant is not entitled to any relief in this application. Accordingly, we pass the order as under:

Application is dismissed. No costs. Misc.

Application No. 432/96 also stands disposed of accordingly.

  
(N.P. NAWANI)

Adm. Member

  
(B.S. RAIKOTE)

Vice Chairman