

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 23.2.2001

OA 454/99

Puran s/o Shri. Ramla r/o Village Chaknawali, P.O. Nawali,
District Bharatpur.

... Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Rly Manager, W/Rly, Kota Dn, Kota.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the applicant

... Mr.R.M.S.Panwar

For the Respondents

... Mr.Tej Prakash Sharma

O R D E R

PER HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

In this application u/s 19 of the Administrative Tribunals Act, 1985, applicant Puran has prayed for setting aside the impugned order dated 13.3.87 and for a direction to the respondents to take back the applicant in service and pay back wages to him w.e.f. 20.6.86 alongwith interest @ 24% per annum.

2. Applicant's case is that he worked in different spells during the months of August, September and October, 1984 with the respondent department as Watchman and thereafter in the capacity of Chowkidar. Services of the applicant were terminated w.e.f. 20.2.86. A notice for demand of justice was sent to the respondents through applicant's advocate, which was replied to by the respondents vide letter dated January, 1999 (Ann.A/1). Feeling aggrieved, the applicant has filed this OA.

3. In the counter, the respondents have denied the case of the applicant.

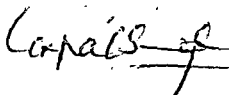
4. We have heard the learned counsel for the parties and perused the records of the case carefully.

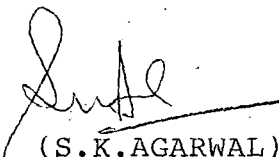
Copied of

5. The applicant has impugned the order dated 13.3.87. However, a copy of this letter has not been placed by him on record. Presumably, this letter is referred to by the respondents in Ann.A/1 and this letter deals with re-employment cases. Secondly, the applicant has also not placed on record any document that indicates that the applicant was ever in the employment of the respondents and that his services were terminated w.e.f. 20.2.86. Further, it is alleged by the applicant that his services were terminated on 20.2.86. However, he submitted a notice for demand of justice in 1997, after about ~~eleven~~ years of his alleged termination from service. On receipt of the rejection of his case by the respondents in January, 1999, the applicant has filed this OA.

6. We are firmly of the view that the application is barred by limitation. Respondents' letter dated January, 1999 (Ann.A/1) does not extend the limitation in the case. The application can, therefore, be dismissed on this count alone. Otherwise also, the applicant has not been able to make out a case that he was ever employed with the respondent department. In the circumstances, we have no alternative but to dismiss this OA.

7. The OA is accordingly dismissed with no order as to costs.


(GOPAL SINGH)
MEMBER (A)


(S.K. AGARWAL)
MEMBER (J)