

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR
Original Application No. 50/1998

Jabalpur, this the 17th day of June 2003.

Hon'ble Mr. D.C. Verma - Vice Chairman (J)
Hon'ble Mr. A.K. Bhatt - Administrative Member

Pandu, son of Brijlal,
aged 25 years, resident
of Ward No. 11, Sarangarh,
District Raigarh, M.P.

APPLICANT

(By Advocate - Shri A.D. Deoras)

VERSUS

1. Union of India, through
Secretary Ministry of
Communication,
New Delhi.

2. Sub Divisional Officer
(Telegraph) Raipur,
(M.P.)

RESPONDENTS

(By Advocate - Shri S.C. Sharma)

O R D E R (ORAL)

By D.C. Verma - Vice Chairman (J): -

By this OA, the applicant has claimed reinstatement, grant of temporary status and regularisation under 1989 scheme with all benefits under the scheme alongwith the seniority.

2. As none has appeared for the applicant after 13-2-98, the case has been taken up for decision on merit and counsel for the respondents has been heard.

3. The case taken in OA is that the applicant was employed as Casual Labour in the year 1986 and continued to work on muster-roll till 1988. The applicant has filed Annexure-I which is said to be copy of the statement of working days but it has no signature, no date. So it cannot be accepted as copy of official document. The claim is that the applicant has worked for 240 days in a calendar year, but was not granted

temporary status and order of disengagement passed in the year 1988, be declared fully illegal. In support of his claim, the applicant has also filed a copy of the judgment of this Tribunal in OA/96/95 in case of Rajesh Kumar & Ano. v/s Union of India & Ors.

4. The respondents have, in their reply, submitted that the applicant was never engaged on regular basis and the casual labourers who are engaged are terminated on expiry of period stipulated in the work order. Temporary status is granted only to those who fulfills the eligibility criteria under the Casual Labourers Grant of Temporary Status and Regularisation Scheme, 1989.

5. After the counsel for the respondents has been heard and pleadings on record has been perused, we find that the averments made in the reply have not been controverted by filing rejoinder. Further, if the applicant's disengagement in the year 1988 was not valid, it was for the applicant, to challenge the same within a period of limitation as provided under Section 21 of the Administrative Tribunals Act. The applicant cannot be permitted to challenge the disengagement order by filing the OA in the year 1998 i.e. after a decade. The reinstatement can be allowed only if the disengagement order is held invalid and not otherwise.

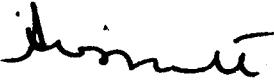
6. There is no application for condonation of delay and no reason for delay has been disclosed in the OA. The OA is highly barred by limitation.

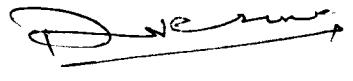
7. The aforesaid facts, are similar to the decision of the case of the Secretary to Government of India v/s Shivram Mahadhu Gaigward reported in 1995 SCC (L&S) page 1148 wherein a daily wager employee was discharge from the service on 17-6-86. The OA was filed on 14-8-90 claiming

reinstatement. The OA was held barred by limitation, In the present case, the applicant was disengaged in 1988 and the present OA for reinstatement has been filed in the year 1998. The fact of the present case is fully covered with the decision of the Apex Court (supra).

8. The applicant has not filed any documents in support of his engagement and working period. Consequently on merit also, the OA fails.

9. In view of the discussions made above, the OA is highly barred by limitation and also fails on merit. Cost easy.


(Anand Kumar Bhatt)
Administrative Member


(D.C.Verma)
Vice Chairman (J)

SKM*

प्रतिलिपि अध्येता..... जवलपुर, दि.....
प्रतिलिपि अध्येता.....
(1) सचिव, उत्तर न्यायालय वाचक विभाग, जवलपुर
(2) आवेदक विभाग, जवलपुर
(3) प्रकाशी विभाग, जवलपुर
(4) अंतर्राज. योग्यता. विभाग, जवलपुर

A.D. Records - IIP
S.C. Sharma, Adi

सूचना एवं आवश्यक कार्यालयी हैं
उपर्युक्त दिनांक
23/06/03

Issued
On 23.6.03
By 