
(2002) 05 DEL CK 0169
In the Delhi High Court
Case No : C.W.P. No. 2478 of 2002

Ram Phal and Others

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 16-05-2002

Acts Referred:

Citation : (2002) 98 DLT 564

Hon'ble Judges : S.B. Sinha, C.J;A.K. Sikri, J

Bench : Division Bench

Advocate : P.S. Mehandru, for the Appellant; Nemo, for the Respondent

Final Decision : Dismissed

Judgement

S.B. Sinha, C.J.—The original applicants before the Central Administrative Tribunal Principal Bench, New Delhi (hereinafter referred to as "the Tribunal") are the writ petitioners herein.

2. They were engaged as casual labourers in 1984-85 in the Office of Permanent Way Inspector (PWI), Northern Railway Jakhal Junction by the respondent No. 3 herein. Their services were terminated.

3. The contention of the petitioners before the Tribunal was that although their juniors had been re-engaged, despite the fact that they worked for lesser number of days than the petitioners, they had not been given the said benefit.

4. The contention of the respondents inter alias was that the application was barred by limitation.

5. It is not in dispute that the question of limitation had been considered by a Full Bench of the Tribunal in Mahabir and Ors. v. Union of India and Ors., 2000 (3) ATJ 1 in O.A. No. 786/96 disposed of on 10.05.2000.

6. The question of limitation is also covered by a decision of the Apex Court in Ramesh Chand Sharma Vs. Udham Singh Kamal and Others,

7. However, the writ petitioners herein inter alias relied upon a decision of a Division Bench of this Court in Shish Pal Singh and Ors. v. Union of India in CWP No. 5071/99 disposed of on 23.08.1999, wherein an observation had been made that the cause of action is a continuous one.

8. Doubting the correctness of the said decision, the matter has been referred to the Full Bench of this Court in Jagdish Prasad v. Union of India and Ors. in C.W.P. No. 450 of 2001 disposed of on 07.05.2002, wherein the Full Bench has held that Shish Pal Singh's case (supra) does not lay down a correct law.

9. Following the aforementioned Full Bench decision, we have no other option to hold that the judgment of the Tribunal is unassailable.

10. This writ petition is dismissed accordingly. However, in the facts and circumstances of the case, there shall be no order as to costs.