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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2195/2001

Thursday, this the 30th day of August, 2001

Hon'ble Shri Shanker Raju, Member (Judl)

Balbir
S/O Shri Sarni
R/O Vill. Madhuvihar
House No.C/196, Gali No.6
Palam Colony, New Delhi-45

..Applicant

(By Advocate: Shri U. Srivastava)

Versus

Union of India through

1. The General Manager,
Northern Railway, Baroda House
New Delhi
2. The Divisional Railway Manager
New Delhi
3. The Inspector of Works (Cons)
Kurukshestra, Haryana.

..Respondents

O R D E R (ORAL)

Heard the learned counsel for the applicant.

2. The claim of the applicant in the present OA is that he had worked for more than 120 days from 1979 to 1980 but despite this, he was disengaged from service in the year 1980. Taking resort to the Railway Board's circular dated 28.8.1987 and particularly clause 11, it is contended that in the event of casual labour is available on live casual register and fresh intake has to be resorted to with approval of competent authority, preference should be given to those casual labours who had earlier worked on Railways. I also find that in one of the decision of the Full Bench in Mahabir Vs. Union of India & Ors. (OA-706/96 with connected cases), decided on 10.5.2000, it has been held that the law of limitation equally applies to casual workers, and if they have slept over their rights and had

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come to the court after un-explained delay, their claims are liable to be rejected. The applicant further states that he had made several representations to the respondents to consider his case as per the clause 11 of the aforesaid circular. Having considered the contentions of the applicant, I do not agree that he has any justifiable grounds to resort to clause 11. As the applicant, who had last worked in the year 1980 and the aforesaid circular came into existence from 1987, has not made any claim to the respondents even after a period of about 21 years have elapsed. As held by the Full Bench in Mahabir's case (supra), he has no right to challenge after a considerable delay. Having regard to the facts and circumstances of the present case, I am of the considered view that the present case suffers from the vice of limitation and is hopelessly time barred.

3. In the circumstances, the OA is dismissed in limine. No costs.



(Shanker Raju)
Member (J)

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