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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2799/2001
M.A.NO.2297/2001

Tuesday, this the 10th day of September, 2002

Hon'ble Shri S.A.T. Rizvi, Member (A)

1. Shri Roshan Lal s/o Shri Karodi Mal
r/o B-2/172, Rajbir Colony
Gharoli Extension, Delhi
2. Shri Iswar Singh s/o Shri Udal Singh
r/o 35/11, Trilok Puri, New Delhi
3. Shri Bhopal Singh s/o Shri Dharampal Singh
R/- F-2 Block, Ganga Vihar, Delhi-94
4. Shri Rajinder Singh s/o Shri Tumman Singh
r/o 35/11, Trilok Puri, New Delhi

Applicant Nos. 1 to 4 are permanent residence of
Village - Rasheedgarh, P.S. Bhawan, Tehsil - Kerana
Mujafarnagar

5. Shri Ramesh Chandra s/o Shri Chetu
R/o A-8, Ganga Vihar, Gokulpuri
Delhi-94

...Applicants


(By Advocate: Shri K.K. Patel)

Versus

Union of India through:

1. The General Manager
Northern Railway
Baroda House, New Delhi-1
2. Divisional Railway Manager
Northern Railway
State Entry Road, New Delhi

...Respondents

 (By Advocate: Shri M.K. Gaur for Shri B.S. Jain)



ORDER (ORAL)

MA-2297/2001 for joining together in a single application is granted.

2. All the five applicants in the present OA were engaged and have worked as casual labour in the Railways in 1986 in the case of four applicants and partly in 1987 in the case of the fifth applicant. The period of service rendered by them ranges from 64 days in one case to 82, 85, 88 and 108 days respectively in the others. They have not been reengaged thereafter so far. The prayer made is for directions to be issued to the respondents, inter alia, in the following terms:-

- "(b) Direct the respondents to engage the applicants forthwith in preference to all other freshers and junior casual labourers;
- (c) Direct the respondents to re-engage the applicants in accordance with the seniority fixed on the basis of total number of working days he has rendered as casual labour as prescribed by Railway Board's instructions issued from time to time along with all consequential benefits;
- (d) Direct the respondents to include the name of the applicants in the Live Casual Labour Register from the respective dates the respondents had called to register their names."

3. I have heard the learned counsel on either side and have perused the material placed on record.

4. The fact that the applicants have worked in 1986 and 1987 as above is not disputed. The applicants' case is that the respondents had, way back in 1989, sought information from each one of them with regard to their educational qualifications, etc. by issuing letters collectively placed at A-P-2. The information called for by them was supplied by the applicants. Despite this, no decision has been taken by the respondents with regard to the incorporation of their names in the Live Casual Labour Registrar (LCLR). At the same time, the applicants have also not been reengaged as casual labour even though a number of persons junior to them have been engaged. The names of thirteen persons allegedly juniors to them have been listed in the annexure at P-4. Representations have been filed by the applicants seeking reengagement as casual labour. One such representation dated 20.12.2000 has been placed at A-P-5. The applicants have, in the aforesaid representation, mentioned that they had been informed by the respondents' office that their names had since been incorporated in the LCLR.

5. The learned counsel appearing on behalf of the applicants has argued that even if it is assumed that the applicants abandoned work on their own, the law laid down by the Full Bench of this Tribunal in Mahabir Versus Union of India & Others will assist the applicants. The learned counsel read out a portion from the judgement of the Full Bench in the aforesaid case, but the same dealt with the case of removal of names from the LCLR, whereas in the case at hand, the issue is not removal of

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name from the said register. On the other hand, what is sought here is incorporation of names in the aforesaid register. The aforesaid case will, therefore, not find any application in the circumstances pleaded on behalf of the applicants² and in the way reliance has been placed on it. *d*

6. The learned proxy counsel appearing on behalf of the respondents has submitted that the grievance in this case arose in 1986/1987. The present application is accordingly heavily time barred. In support of this contention, he has placed reliance on the order of this Tribunal passed on 31.1.2001 in OA-1837/99. In the said judgement, reliance has been placed on the Full Bench's judgement in Mahabir Versus Union of India & Others (supra). It is found that in terms of the aforesaid Full Bench's judgement, the "Provisions of the relevant Railway Board's circular dated 25.4.1986 followed by the circular dated 28.8.1987 issued by the General Manager, Northern Railway for placing the names of casual labour on the live casual labour register do not give rise to a continuous cause of action and hence the provisions of limitation contained in Section 21 of the Administrative Tribunals Act, 1985 would apply".

7. I have carefully considered the submissions made by the parties and find that the law laid down by the Full Bench as above, leaves no manner of doubt and that the present O.A. is clearly time barred and would deserve to be dismissed on that ground alone. I, therefore, proceed to dismiss the O.A., although without any costs. *d*

8. In the peculiar circumstances of this case, I am, however, inclined to direct the respondents to consider the case of the applicants for engagement as casual labour in preference over rank freshers on the basis of the length of service performed by them and in accordance with the relevant instructions on the subject of engagement of casual labour.

10. The present OA is dismissed and is disposed in the aforestated terms. There shall, however, be no order as to costs.

(S.A.T. RIZVI)
MEMBER (A)

/sunil/