

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHIOA NO. 3069/2001
MA NO. 1594/2002

This the 7th day of January, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Sh. Ajit Kumar
S/o Sh. Parmatama Swaroop,Permanent AddressHouse No. L/A-13, Laxmi Nagar,
Behind Mata Mandir, Line Par,
Moradabad.At present residing atC/o Sh. Sanjay Sharma,
2/4 A, East Azad Nagar,
Shahdara, Delhi.

(None)

Versus

Union of India through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi-110001.
2. Division Railway Manager,
Northern Railway,
Moradabad Division,
Moradabad.

(By Advocate: Sh. R.L.Dhawan)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Heard on MA-1594/2002 whereby applicant has sought production of certain documents particularly the list showing the name of the applicant listed in the casual labour register. Respondents in their reply have stated that this list has been held to be forged in earlier OA-1273/2000 before the Hon'ble Tribunal itself in which applicant has also filed the forged document which fact has been confirmed when on the direction given by the Tribunal the opinion of Government Examiner on Questioned Documents, Govt. of India Shimla was



[2]

sought in the matter. Believing the same, I also hold that since it is a judicial point that list is fictitious so respondents cannot be directed to produce the same. MA is, accordingly, dismissed.

2. I proceed to dispose of this case in the absence of applicant under Rule 15 of the CAT (Procedure) Rules.

3. OA has been filed seeking relief in the form of a direction to the respondents to engage the applicant forthwith in preference to all other freshers and juniors casual labourers and direct the respondents to re-engage the applicant in accordance with the seniority fixed on the basis of total number of working days he has rendered as casual labour.

4. The case of the applicant is that he had worked during the period from 205.81 to 30.9.86 about 150 days as a casual labour of the applicant is annexed at Annexure P-1. Applicant made various representations for his re-engagement but he was informed only orally that his engagement would be considered after the ban for re-engagement is given. Applicant further alleges that certain junior persons have been re-engaged and he has been ignored. Thus, the applicant alleges that the action of the respondents is illegal, malafide contrary to the instructions.

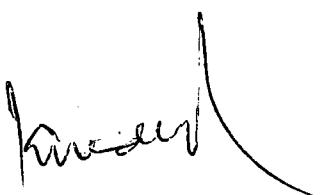
5. I have heard the counsel for respondents and gone through the record.



[3]

6. It is admitted by the applicant that he has last worked during 1981 to 1986 which fact is also denied by the respondents. The OA has been filed in the year 17.11.2001 after a lapse of period of 15 years. It is not a case of the applicant that his name appears in the live casual register. Though the applicant has made an attempt to call for the record by filing an MA No. 1594/02, but in reply to that respondents have pleaded that the record which is sought to be provided by the applicant have already been held to be forged one in another OA No. 1273/2000 where the Govt. examined number of documents. Thus, the documents which have been relied upon by the applicant has already been held to be forged as such, the name of the applicant does not appear in the casual register. So, I am of the considered opinion that the case of the applicant for being re-engaged after a period of 15 years is barred by time and as such the OA is not maintainable.

7. Hence, OA is dismissed.



(KULDIP SINGH)
Member (J)

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