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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

Hon'ble Shri Shanker Raju, Member (Judicial)

O.A.No.864/2001

New Delhi, this the 19th day of October, 2001

Sukhbir
s/o Sh. Sundu
r/o RZ-316(M)
Raj Naragar-II
Palam Colony
New Delhi - 110 045.

... Applicant

(By Advocate: Shri Gyaneswar, proxy of Shri
U.Srivastava)

Vs.

1. Union of India through
The General Manager
Northern Railway
Baroda House
New Delhi.
2. The Divisional Railway Manager
Moradabad (UP).
3. The Chief Inspector of Works
Northern Railway
Haridwar (UP).

... Respondents

(By Advocate: Shri Rajinder Khattar)

O R D E R (Oral)

By Shanker Raju, Member (J):

Heard the parties.

2. The present OA is disposed of at the
admission stage itself.

3. Briefly stated, the applicant is claiming
re-engagement and also incorporation of his name in
the Live Casual Labour Register (in short 'LCLR').
The claim of the applicant is that having worked from
29.7.1982 to 26.8.1982 for 28 days and from 27.7.1984
to 26.8.1984 for 31 days, the applicant has acquired
to have his name included in the LCLR. It is the
claim of the applicant that the name of the applicant

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has neither been included in the LCLR nor he has been considered for re-engagement. The applicant placing reliance on a decision of this Court in Billo Singh Vs. UOI & Others in OA No.280/2001 contended that this Court has held that there is no limitation applicable in case of the casual labour for including their name in the LCLR as it is a continuing cause of action as observed by the High Court in Sishpal's case. As such the decision of Full Bench in Mahavir Vs. Union of India, ATJ 2000(3) 1 is per-incurium of the decision of the High Court. Further placing reliance on a decision of OA No.2394/2000 (Praveen Vs. UOI & Others), decided on 17.11.2000, it is contended that wherein directions have been issued to the respondents to complete the process after thoroughly and properly checking up the service record produced by the applicant. In this back ground, it is stated that the respondents' office i.e., Chief Inspector of Works has issued a certificate to the applicant which is to be treated as valid in view of the decision in Mahavir's case, supra.

4. On the other hand, strongly rebutting the contentions of the applicant, the learned counsel for the respondents states that as the records of casual labour have been maintained and kept only 5 years, there is no way to verify the claim of the applicant having worked or not which is in the year 1982 and 1984. The documentary evidence produced by the applicant, to show that he had worked as casual labour, which is not as per proforma prescribed under railway rules and instructions, cannot be verified at this distant date after the lapse of more than 15

years. The learned counsel for the respondents further stated that the applicant has not made any representation to them in pursuance of their circular of 1987 as no acknowledgement is thereof has now been produced to show that to ascertain whether the same has been tendered the respondents or not. It is further stated that the case is barred by limitation as he is making his claim after a lapse of about 15 years. The applicant has relied upon the decision of the Apex Court in R.C.Samanta & Others, 1993 (3) SC 418, and Rambir Singh & Others Vs. Union of India, OA 1421/98 decided on 17.12.1999.

5. I have carefully considered the rival contentions of both the parties. The claim of the applicant is legally tenable and has to succeed. The applicant who had worked for the respondents in the year 1982 and 1984 and the same has been certified by the Chief Inspector of Works have to be treated as proper certificate issued to the casual labour and has been held to be good for the purpose of entering his name in the LCLR by the Full Bench of this Court in Mahavir's case supra. In recent decision in this Bench in OA 280/2001 supra after meticulously examining the limitation involved and having regard to the finding of High Court in Sishpal's case which has not been taken into consideration by the Full Bench, it has been held that no limitation applies to the Casual Labour for the purpose of LCLR as the same is a continuing cause of action.

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6. In this view of the matter, the OA is disposed of with a direction to the respondents to consider the claim of the applicant for entering in Live Casual Labour Register and further engagement and in this process verify and check thoroughly the service record of the applicant and to comply the aforesaid directions within a period of two months from the date of receipt of a copy of this order in accordance with law and having regard to the observations made above. No costs.

S. Raju

(SHANKER RAJU)
MEMBER(J)

/RAO/