

= 19 =

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A. No.1044/1999

New Delhi, this the 14th day of February, 2001

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

Shri Abdul Sattar S/o Shri Faiz Ali
Ex. Casual Labour
Under Section Engineer/Telecom(Works)
Microwave, Northern Railway
Najibabad
Presently redisent of:
E-80, Daula Kuan,
New Delhi-10

- APPLICANT

(By Advocate: Ms.Minu Mainee, proxy for Shri B.S.Mainee)

Versus

1.Union of India through
The General Manager,
Northern Railway, Baroda House,
New Delhi.

2.The Divisional Railway Manager,
Northern Railway,
Allahabad

3.The Sr.Section Engineer Tele
Microwave N.Rly.,
Allahabad

- RESPONDENTS

(By Advocate: Shri R.L.Dhawan)

O R D E R (ORAL)

By Hon'ble Mr.Kuldip Singh, Member(Judl)

In this OA applicant claims that he was engaged as casual labourer and worked under respondents from 2.11.71 to 17.10.73. He was re-engaged by the Section Engineer (Works), Najibabad where he worked for 178 days from 1979 to 1980. Lastly he worked under P.W.I., Bulandshahr from 15.1.81 to 15.2.81. Applicant has prayed for a direction for re-engagement in order of seniority and to place his name on Live Casual Labour Register (in short 'LCLR').

2. Respondents are contesting the OA. They have submitted that this O.A. has been filed after a lapse of

ku

18 years and is thus clearly barred by time. It is submitted that applicant has not produced casual labour card in support of his having previously worked under the respondents. Respondents have also submitted that Muster Roll and Labour Pay Sheets from which the claim of the applicant of having previously worked under them could have been verified have since been destroyed being time expired record.

3. I have heard learned counsel for the parties and gone through the records.

4. As regards bringing the name on the Live Casual Labour Register, the same very point was referred to the Full Bench:-

" (a) Whether the claim of a casual labourer who has worked prior to 1.1.1981 or thereafter with the respondents i.e. Railway Administration has a continuous cause of action to approach the Tribunal at any time, well after the period of limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985, to get a direction to have his name placed on the Live Casual Labour Register; in other words, whether the provisions of the relevant Railway Board circulars for placing his name in the LCL Register gives him a continuous cause of action".

5. The Hon'ble Full Bench after considering the rival contentions and going through the various judgments on the issue, answered the question in the following manner:-

"18. In the light of the foregoing

k

.3.

discussion we answer the aforesaid issue (a) as under:

Provisions of the relevant Railway Board's circular dated 25.4.1986 circular dated 28.8.1987 issued by 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".

6. It is an admitted fact that applicant's name does not exist on the LCLR. Since he has failed to apply at the appropriate time for bringing his name on the LCLR and the Hon'ble Full Bench has held that provisions of the relevant Railway Boards's circular for placing the name of casual labour on LCLR do not give rise to a continuous cause of action, therefore, the provisions of limitation contained in Section 21 of the Administrative Tribunals Act would apply in the present case.

7. Under the circumstances, I am of the opinion that this O.A. is time barred and is, therefore, rejected on the grounds of limitation. No costs.


(KULDIP SINGH)
MEMBER(JUDL)

/dinesh/