

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 123/1999.

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New Delhi this the 15th day of March, 1999

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

In the matter of

Jahir Hussain
S/O Mohd. Mussain
Ex-casual Labourer
working under
Inspector of Works Northern
Railway, Roza, Shahjahanpur,
presently residing at 15/20,
Sonia Vihar, Delhi.

... Applicant

(By Advocate Shri Sat Pal Singh)

Versus

1. Union of India through the
General Manager, N.Rly.
Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway,
Muradabad(UP).
3. Inspector of Works,
Northern Railway, ROZA(UP)

... Respondents

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J)

The grievance of the applicant is that he had been working as casual labourer/Class IV employee with the respondents from 10.6.78 to 31.10.1981 in different divisions which he states ~~1983~~ ^{yes} for a period of more than 500 days, and has filed this application on 12.5.99 seeking a direction to the respondents to re-engage him and regularise his services. According to the learned counsel, the respondents have regularised the services of several juniors to the applicant who joined Northern Railway much later than he, but no ~~copy~~ ^{copy} of papers have been placed on record to substantiate this averment either by way of seniority list or any orders regularising the juniors to the applicant.

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2. Learned counsel has also relied on the judgement of the Tribunal in Shri Kaluwa Vs. UOI through General Manager(NR) and Ors.(OA 2529/94 with connected cases) decided on 27.9.95. He submits that in pursuance of this order of the Tribunal, juniors to the applicant have been regularised. As an interim measure, applicant has also sought a direction to re-engage him as casual labour. Learned counsel has drawn my attention to the representation filed by the applicant to the General Manager(NR), Baroda House on 13.8.97(Annexure-B) in which a reference has been made to several representations addressed to the DRM(Muradabad) and praying for regularisation. However, none of these earlier representations have been placed on record. It is seen from this representation that his entire service record of casual labour is stated to be from 10.6.78 to 31.10.1981. It is also relevant to note that not even a MA for condonation of delay has been filed.

3. In the above facts and circumstances of the case and having regard to a catena of judgements of the Hon'ble Supreme Court.(See UOI Vs. Ratan Chander Samants (JT 1993(3)SC 418 ; P.K.Ramachandran Vs. State of Kerala and another(JT 1997(8)SC 189 and Ex.Capt.Harish Uppal Vs. UOI (JT 1994(3) SC 126, this application is barred by limitation and also suffers from laches and delay, having regard to the Section 21 of the Administrative Tribunals Act.,1985. It is obvious from the applicant's own averments that other than merely stating that he has made several representations to the DRM(Muradabad), the applicant has not pursued his remedies diligently as ^{he} ought to have done. It is also settled law that repeated representations do not extend the period of limitation(See S.S.Rathore Vs. State of M.P.(JT 1992(3) SC 322). According to the learned

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counsel juniors to the applicant have been re-engaged after 31.10.1981 but no document has been placed on record to substantiate these facts. The judgement of the Tribunal dated 27.9.95 in OA 2529/94 with connected cases relied upon by the applicant cannot also assist him in the above facts.

4. In the result, as the application suffers from laches and delay and is barred by limitation with not even an MA for condonation of delay having been filed, this application is dismissed at the admission stage itself. No costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

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