

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.1289 of 1999
M.A.No.1148/99

New Delhi, this the 23rd day of February, 2001

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

Shri Sri Krishan
S/o Shri Ram Prasad
Ex. Casual Labour
Under Station Superintendent
Western Railway
Gangapur City(Under D.R.M., W.Rly., Kota)
R/o K-123, Gali No.3, Gautam Vihar
Delhi-53

-APPLICANT

(By Advocate: Shri B.S.Mainee)

Versus

Union of India, through

1. The General Manager
Western Railway
Churchgate, Mumbai
2. The Divisional Railway Manager
Western Railway
Kota
3. The Station Superintendent
Western Railway
Sawai Madhopur

-RESPONDENTS

(By Advocate: Mrs.Meera Chhibber)

O R D E R (ORAL)

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

The applicant was engaged as casual labourer under the Station Superintendent, Western Railway, Gangapur City on 1.7.85. Thereafter he again worked under Station Superintendent, Gangapur City in June, 1986. From 1987 to June, 1991, applicant is stated to have worked under respondents with intermittent breaks. Applicant has alleged that after 30.6.91, he has not been engaged though he had already acquired temporary status and was one of the seniormost casual labourers. It is stated that in accordance with the latest Railway Board

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instructions, all the casual labourers who had been discharged any time after 1.1.81, their names should have been placed on the Live Casual Labour Register (in short 'LCLR'). Applicant has claimed that as per the aforesaid Railway Board instructions, he is entitled to be re-engaged after placing his name on the LCLR because his juniors are still working. Applicant had made some representations also but to no avail.

2. Respondents have filed short reply raising objections regarding territorial jurisdiction as well as limitation. Respondents have submitted that according to the averments made by applicant himself that he was last engaged in 1991, this OA deserves to be dismissed on the ground of limitation.

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

4. Shri Mainee submitted that applicant has a right to be re-engaged since his juniors are still working, particularly in view of the Delhi High Court observations in the case of Shish Pal Singh & ors. vs. Union of India & ors., 2000 (1) Total Judgements 153 wherein it was held that when the juniors have been re-engaged, then the cause of action is a recurring one. Shri Mainee stated that since the allegation levelled that juniors are still working has not been denied by the respondents in

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their reply, therefore, the applicant has a right to be re-engaged. I have considered this aspect of the case and find that applicant has nowhere stated in his O.A. as to who are the juniors to him who have been re-engaged. Besides, there is also a possibility that those persons to whom the applicant has claimed to be his juniors, might have come to the Tribunal for redressal of their grievances after disengagement or by virtue of their names having been placed in the LCLR, they might have got re-engagement on their turn. There is no data available to compare the case of the applicant with the so-called juniors who are alleged to be still working under the respondents.

5. Besides, it is the case of the applicant himself that the Railway Authorities had promulgated a Scheme whereby all those casual labourers who had worked under respondents, were to be placed on LCLR and considered for re-engagement in terms of their seniority. To make him entitle for re-engagement in terms of his seniority, the applicant's name had first to be entered in the LCLR and only thereafter, he could have agitated the issue that his juniors had been working and he had not been considered. For bringing his name on LCLR, the applicant had to apply at the relevant time as per scheme annexed at Annexure A-2. Hon'ble Full Bench of the Tribunal in O.A.706/96 and connected matters observed that a casual labourer should apply at the appropriate time to bring his name on LCLR. Since the applicant in the present case has failed to do so and his name

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does not exist on the LCLR, therefore, he cannot claim that his juniors have been re-engaged ignoring his preferential claim.

6. To get himself enrolled in the LCLR, the applicant should have filed the O.A. within the period prescribed under Section 21 of the Administrative Tribunals Act. 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 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 Manger, 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. Keeping in view the law laid down by Full Bench, I find that relief claimed by applicant to enrol his name on LCLR is grossly time barred. As such, the O.A. stands rejected. No costs.

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(KULDIP SINGH)
MEMBER (JUDL)

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