

-3-

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No.1539/99

HON'BLE SHRI R.K. AHOOJA, MEMBER(A)

New Delhi, the 8th day of September, 1999

Shri Prithvi Singh

S/o Shri Kalloo Singh
Casual Labour
Under IOW/PWI
Northern Railway, Hardwar
R/o H.No.270, H-Block
Sultanpuri, New Delhi

....Applicant

(By Advocate: Shri G.D. Bhandari)

Versus

Union of India through

1. The General Manager
Northern Railway
Baroda House, New Delhi

2. Divisional Railway Manager
Northern Railway Divisional Office
Moradabad

....Respondents

O R D E R (ORAL)

The applicant claims that he was appointed on 17.5.1977 as a Casual Labour at Hardwar and worked there upto 21.2.1978 in different spells. His grievance is that contrary to the instructions of the Railway Board, his name has not been placed on the Live Casual Labour Register and he has not been offered reengagement in accordance with the circular dated 28.8.1987 (copy at Annexure A-1).

2. I have heard Shri G.D. Bhandari, learned counsel for the applicant. He ~~argued~~ ^{argued} that having worked for more than 120 days the applicant had acquired temporary status and according to the Railway rules, his name had to

Q.

be automatically placed on the Live Casual Labour Register. Further, he relies on the orders of this Tribunal in O.A. No.1398/97 decided on 15.4.1988 (copy at Annexure A-3) wherein it was held that casual labour who were entitled to have their names placed on the Live Casual Labour Register would have a recurring cause of action and limitation will not apply in their case.

3. Having perused the circular of the Railways at Annexure A-1, I find that para 9 thereof stipulates that in case of a Casual Laour who had been discharged prior to 1.1.1981 and had not worked for two years, their names should be deleted. Such a person had to make a special representation upto 31.3.1987 to have his name retained on the Live Casual Labour Register. In the case of the applicant who had worked upto 13.4.1980, a special representation has not been made earlier to 1987 for having his name placed on the Live Casual Laour Register. The argument advanced on behalf of the applicant is that as he is illiterate, he had not been able to file a representation by that date. There is no explanation ^{31.3} ~~as it is~~ ^{and he} ~~is~~ ^{also} ~~comes~~ that he has come before this Tribunal in 1999.

4. Shri Bhandari also draws my attention to para 179 of IREM, Vol.I, which states that all those Casual Labours who have worked for 120 days, acquire temporary status and as such the applicant cannot be denied the temporary status.

This argument also does not hold water as the applicant has come to seek relief after a delay of over nineteen years. Admittedly, no formal orders of acquiring temporary status had been issued in his case. Therefore, his claim cannot be considered by the Tribunal at this stage.

5. In view of the above discussion, I hold that the applicant is not entitled to have his name included in the Live Casual Labour Register or the grant of temporary status on the basis of the services rendered by him prior to 1.1.1981.

7. The O.A. is accordingly dismissed at the admission stage itself.

R.K. Ahuja
(R.K. AHOOJA)
MEMBER (A)

sc*