

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.NO.1755/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)  
New Delhi, this the 16th day of March, 2000

Subhash  
s/o Sh. Devi Das  
r/o C-531, Gokulpuri  
Delhi - 94. .... Applicant

(By Shri Anil Singhal, proxy of Shri U.Srivastava and  
Shri M.K.Gaur, Advocate)

Vs.

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

2. The Divisional Railway Manager  
Northern Railway  
State Entry Road  
DRM Office  
New Delhi.

3. The Permanent Way Inspector (PWI)  
Northern Railway  
Delhi.

(By Shri D.S.Jagotra, proxy of Shri R.P.Agarwal, Advocate)

O R D E R (Oral)

By Reddy- J.

None appears for the parties either in person or through their counsel except the aforesaid proxy counsel to inform that the Advocates are abstaining from Court. Since this is an admitted case and the pleadings are complete, I dispose of the case on the basis of the available pleadings on record even in the absence of the parties under Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. This is an application for re-engagement of the applicant seeking inclusion of his name in the Live Casual Labour Register.

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3. It is the case of the applicant that he has been engaged in the Railways as a casual labour from 1.2.1985 to 5.6.1985 for a period of 113 days. A certificate to that effect ~~was~~ issued by the respondents is annexed to the application as Annexure-A2. The applicant was disengaged on account of completion of works and he was assured that he would be engaged as and when the work exists. Thereafter though the applicant approached the respondents he was not engaged. It is also his case that number of juniors and outsiders were engaged as casual labourers. The applicant also submits that he was entitled to be included his name in the Live Casual Labour Register.

4. The respondents, however, state that applicant's engagement as casual labour was bad in law, ab initio as he was engaged by an unauthorised person. It was also stated that the applicant was not given any casual labour card for maintaining his record of casual labour service. The applicant has filed the certificate only on a plain paper which does not stand scrutiny. It is therefore pleaded that the applicant is not entitled for the inclusion of his name in the Live Casual Labour Register or for re-engagement. It has also been stated by the respondents that the authenticity of casual labour service cannot be established as paid vouchers, from which it could have been possible to verify his casual labour service, had been destroyed as their life span was only 5 years. The allegation made by the applicant that juniors and outsiders were engaged as casual labourers by the

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respondents has also been denied. His further allegation that the applicant has given representation dated 26.3.1996 is denied and hence it is stated that the applicant cannot claim for inclusion of his name in the Live Casual Labour Register. A preliminary objection has also been taken on limitation by the respondents in filing the OA.

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5. I have considered the pleadings in this case. The main objection for the respondents is that as the applicant has approached this Tribunal after a period of more than 14 years, it was not possible for the respondents to verify the record of service of the applicant as casual labour, to take any decision as to the re-engagement or for inclusion of the name of the applicant in the Live Casual Labour Register. Admittedly, the applicant has been disengaged in 1985. The applicant, however, filed Annexured-A2 in support of his case that he has worked 113 days in 1985. The objection as to the illegality of his engagement cannot be accepted. Even though the applicant has been engaged by an unauthorised officer, but the respondents having taken his services cannot come forward at a later date with the objection that the engagement was unauthorised.

6. But the objection as to delay in approaching the Tribunal by the applicant appears to be formidable. Apart from limitation, at this point of time it is very difficult for the respondents to verify the records of the service of the applicant. It is therefore not possible for this Tribunal to give

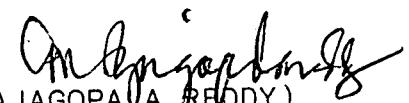


any direction as to the re-engagement on the strength  
of his previous engagement in 1985.

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7. The OA is therefore disposed of with a direction to the respondents to ascertain from the available records whether the applicant had earlier been engaged by the Railways and if it were ascertained, the applicant's case should be considered for re-engagement and for inclusion of his name in the Live Casual Labour Register.

8. With the above directions, the OA is disposed of. No costs.

  
(V. RAJAGOPALA REDDY)  
VICE-CHAIRMAN(J)

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