

Central Administrative Tribunal
Principal Bench

O.A. 2306/99

New Delhi this the 29th day of November, 2000

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

Shri Estayak,
S/o Shri Ahmed,
Ex. Casual Labour,
under Inspector of Works,
Northern Railway,
Najibabad (UP).

... Applicant.

(None present)

Versus

Union of India through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
Moradabad.
3. The Inspector of Works,
Northern Railway,
Nazibabad.

... Respondents.

(By Advocate Shri R.L. Dhawan)

O R D E R (ORAL)

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

The applicant has filed this application stating that he is aggrieved by the failure of the respondents to re-engage him in service although he is one of the seniormost casual labourers who had worked for various periods from 14.2.1978 to 14.1.1984. He has relied on Casual Labour Card (Annexure A-I). As none has appeared for the applicant even on the second call, I have carefully perused the pleadings and heard Shri R.L. Dhawan.

2. The respondents have taken a preliminary objection that even according to the applicant's claim he

has last worked as far back as 14.1. 1984 and the present application has been filed after more than 15 years on 28.10.1999. Shri R.L. Dhawan, learned counsel has relied on the Full Bench judgement of the Tribunal in Mahabir Vs. Union of India & Ors. (OA 706/96 with connected cases), decided on 10.5.1996. They have, therefore, prayed that the application is barred by limitation and may be dismissed on this ground alone. They have also relied on certain other judgements of the Supreme Court, referred to in the reply.

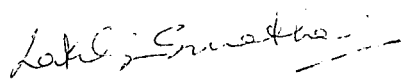
3. Considering the relevant fact that the applicant himself states that he was last engaged as casual labourer upto 14.1.1984 and this application has been filed on 28.10.1999, it is highly belated and suffers from laches and delay. I have also seen the grounds taken by the applicant in MA 2324/99 praying for condonation of delay. The grounds taken therein can hardly be taken as sufficient to condone the delay of several years, having regard to the provisions of Section 21(3) of the Administrative Tribunals Act, 1985.

4. I have also considered the matter on merits. The respondents have stated that the applicant's ^{name's} ~~claim~~ was included in the Live Casual Labour Register (LCLR) under IOW, Najibabad at Serial No. 40. They have also submitted that persons senior to the applicant in the LCLR in that Station are still waiting for their re-engagement as casual labourers. Their contention is that the applicant's re-engagement under IOW, Najibabad, will be taken up according to ^{his} ~~his~~ position in the LCLR. The stand taken by the

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respondents cannot be faulted. In the facts and circumstances of the case, as there is no illegality or arbitrariness in the actions taken by the respondents, there is no justification to interfere in the matter.

5. For the reasons given above, O.A. is dismissed. No order as to costs.


(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'