

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

OA.No.2547 of 1999

New Delhi, this 19th day of April 2001

HON'BLE SHRI M.P.SINGH, MEMBER(A)

Jivan Lal
S/o Shri Ishwari
R/o Village Bhikaripur Rull
PO Hafijabad (Unnao) U.P.

C/o Shri Hari Singh
RZ-H-308 Raj Nagar-II (Gali No.7)
Palam Colony
New Delhi-45

... Applicant

(By Advocate: Shri U. Srivastava)

versus

Union of India, through

1. The General Manager
Northern Railway
Baroda House
New Delhi
2. The Divisional Railway Manager
Northern Railway
Moradabad
(U.P.)

... Respondents

(By Advocates: Shri R.L.Dhawan and
Shri D.S.Jagotra)

Order(Oral)

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking direction to re-engage him in view of the fact that a number of his juniors whose names were placed in the Casual Labour Live Register (CLLR, for short) have been re-engaged.

2. Briefly, facts of the case, as stated by the applicant, are that he was engaged by the respondents as a casual labourer between 3.6.1980 and 14.7.1982 with breaks. He has been approaching the respondents for his



re-engagement, but he was not re-engaged and only verbal assurances were given by them. Aggrieved by the inaction of the respondents, he had filed OA.No.1203/92 which was disposed of by the Tribunal vide its order dated 6.8.1996 with the direction that the claim of the applicant may be considered by the respondents and the applicant would submit all the evidence that are required to be produced. In pursuance of these directions of the Tribunal, the respondents vide letter dated 15.1.1997 directed the applicant to furnish authentic and verifiable evidence in support of his claim within 15 days of receipt of the letter. The applicant could not produce the authentic and verifiable documents within 15 days but could obtain the working certificate from the Station Superintendent only on 12.5.1997. The applicant made representation immediately after receipt of the working certificate. Thereafter he has been approaching the respondents but till now no reply has been received from the respondents. Aggrieved by this, he has filed this OA.

3. The respondents in their reply have stated that the OA is not maintainable since the applicant has filed OA.1203/92 which was decided on 6.8.1996 and OA.906/96 that was withdrawn claiming the said relief which stand already adjudicated upon. The applicant, therefore, cannot



come up again with the same claim without giving any fresh ground. Moreover, the matter relates to 1982 which already stands adjudicated upon in several cases. In view of these inherent ineligibilities, the OA suffers from basic unmaintainability and, therefore, deserves to be dismissed. The respondents have also stated that in pursuance of the directions given by the Tribunal in OA..1203/92 the applicant was called upon to furnish conclusive evidence within two weeks in support of his claim. But the same has not been complied with. They have further stated that the applicant claims to have worked from 1980 to 1982 in different spell, but the records of that period have been weeded out in terms of Item No.120 Appendix-IX of Indian Railway Account Code Volume-I. According to them, the certificate alleged to have been issued by the Station Superintendent Laksar while he is verifying the working days of Bangarman which itself shows the unreliability of alleged certificate. There is no consistency in the dates given in the certificate. In view of these submissions, the OA has no merit and the same be dismissed.

4. Heard the learned counsel for the rival contesting parties and perused the record.

[Handwritten signature]

5. During the course of the arguments, the learned counsel for the applicant submitted that the respondents in pursuance of the directions of the Tribunal given in OA.1203/92 have asked the applicant to furnish the evidence of his having worked with them within 15 days. He could not obtain the working certificate within 15 days and submit to them in time. However, he had obtained the working certificate on 12.5.1997. There is, therefore, delay of four or five months in submission of the certificate. He submitted that direction be given to the respondents to condone the delay and consider the claim of the applicant. On the other hand, the learned counsel for the respondents submitted that the applicant as per the working certificate has claimed to have worked for only 29 days whereas as per the relevant rules i.e. para-17 of I.R.E.M. engagement of six months is required to include the name of the worker in the CLLR. The applicant has not worked for six months and, therefore, on this ground also the OA does not merit any consideration. He also took the plea of limitation. He submitted that the applicant has worked in 1982 whereas the OA.1203/92 was filed in 1992, i.e. after a period of 10 years. In support of his claim, he cited the judgements of the Tribunal in OA.727/96 decided on 5.12.1996 and OA.595/99 decided on 2.11.2000.



6. During the course of the arguments, the learned counsel further submitted that his only prayer is that the respondents be directed to consider his claim after taking into consideration the working certificate. After perusing the records, I find that the applicant has neither challenged the order dated 12.5.1997 (Annexure A-2) nor he has claimed the relief which has been sought for by him during the course of the arguments. In the OA, the learned counsel for the applicant has sought re-engagement. He has also prayed that he should be re-engaged in view of the fact that similarly placed junior persons had already been engaged. Moreover, he has neither given the names of his so-called juniors nor has he annexed any document in support of his claim.

7. In view of the aforesaid facts and circumstances of the case, I find no merit in this OA and the same is accordingly dismissed. No order as to costs.


(M. P. Singh)
Member(A)

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