

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 2601 of 1999

New Delhi, this the 5th day of February, 2001

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

Shri Sukh Raj
S/o Shri Ram Harak
R/o 257, Block 'J', Jahangirpuri
Delhi

-APPLICANT

(By Advocate: Shri K.K. Patel)

Versus

Union of India, through

1. The General Manager
Northern Railway
Baroda House,
New Delhi-1
2. Divisional Railway Manager
Northern Railway
State Entry Road,
New Delhi

-RESPONDENTS

(By Advocate: Shri B.S. Jain)

O R D E R (ORAL)

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

In this OA, applicant has prayed for the following reliefs:-

1. "(a) Call for the records of the case;
- (b) Direct the respondents to engage the applicant forthwith in preference to all other fresher and junior casual labourers;
- (c) Direct the respondents to re-engage the applicant in accordance with the seniority fixed on the basis of total number of working days he has rendered as casual labour as prescribed by Railway Board's instructions issued from time to time along with all consequential benefits; and
- (d) Direct the respondents to consider the applicant for inclusion of his name in the live casual labour register and regularize him in accordance with Railway Board's instructions."

2. Applicant claims that in the years 1976/77, he

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had worked under the respondents for 122 days. Thereafter he had approached the respondents several times seeking re-engagement, but was not considered.

3. From the perusal of the OA, it appears that in the year 1987, applicant had made a representation for placing his name in the Live Casual Labour Register (in short 'LCLR') but no order was passed thereon. However, the applicant did not approach the Tribunal at the relevant time when his name was not placed in the LCLR in response to his representation in March, 1987. Applicant has filed this OA on 2.12.99 seeking re-engagement as casual labourer.

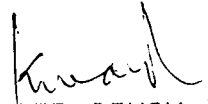
4. Perusal of the OA itself shows that applicant's name does not exist in the LCLR. Shri Patel only argued that freshers and juniors are being engaged ignoring the preferential claim of the applicant who had worked in years 1976-77 for 122 days. He has also claimed for bringing his name on LCLR.

5. I am of the opinion that since the applicant's name does not exist in the LCLR, in view of the Full Bench judgement of the Tribunal in O.A.706/96 and connected matters, the present petition is time barred and his name cannot be brought on LCLR. Since the applicant is seeking a direction for re-engagement on the ground that he had worked under respondents in the years 1976-77 for 122 days. As his name does not appear in

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LCLR so he cannot claim for re-engagement. For bringing his name on LCLR, his case has become time barred. The O.A. is therefore dismissed. No costs.


(KULDIP SINGH)
MEMBER(JUDL)

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