

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A. No. 2642/99

New Delhi, this the 23rd February, 2001

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

(15)

Shri Nihal Singh S/o Shri Ganga Ram
ex. Casual Labour under PWI (PQRS)
Northern Railway,
Tundla
R/o E-85 Mohd. Pur, R.K. Puram,
New Delhi.Applicant

By Advocate: None.

Versus

U.O.I. Through

1. The General Manager, Northern Railway
Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
Allahabad.
3. The Permanent Way Inspector (PQRS)
Northern Railway,
Tundla.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 claims that he was engaged as casual labourer on 28.10.1981 and worked with the respondents upto 5.1.1983 for a period of 192 days. It is further submitted by the applicant that as he had worked for more than 120 he has acquired temporary status and has, therefore, prayed for a direction to the respondents to re-engage the services of the applicant in accordance with the seniority after placing his name on the Live Casual Labour Register.

2. Respondents are contesting the OA. They pleaded that an identical matter had been decided by the

(K)

Full Bench and it has been held therein as to how the bar of limitation is applicable for placing the name of the applicants in the Live Casual Labour Register. Accordingly this case is also hit by limitation and is not maintainable. He has also relied on the judgment given by this very same Bench in OA 1033/98 and other connected OAs.

3. I have heard the learned counsel for the respondents. None has appeared for the applicant.

4. As regards the bringing of the name on the Live Casual Labour Register is concerned, the same very point was referred to the Full Bench:-

" (a) Whether the claim of a casual labourer who has worked prior to 1.1.1981 or thereafter with the respondents i.e. Railway Administration has a continuous cause of action to approach the Tribunal at any time, well after the period of limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985, to get a direction to have his name placed on the Live Casual Labour Register; in other words, whether the provisions of the relevant Railway Board circulars for placing his name in the LCL Register gives him a continuous cause of action".

5. The Hon'ble Full Bench after considering the rival contentions and going through the various judgments on the issue, answered the question in the following manner:-

"18. In the light of the foregoing discussion we answer the aforesaid issue (a) as under:

Provisions of the relevant Railway

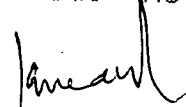
h

Board's circular dated 25.4.1986 circular dated 28.8.1987 issued by General Manager, Northern Railway for placing the names of casual labour on the Live Casual Labour Register do not give rise to a continuous cause of action and hence the provisions of limitation contained in Section 21 of the Administrative Tribunals Act, 1985 would apply".

(17)

6. As regards the bringing of the name on the Live Casual Labour Register is concerned, it cannot be said that once a particular individual has worked for a minimum number of days, he is to be enlisted on the Live Casual Labour Register. This very question has been answered by the Full Bench which has stated that if a person's name has not been enlisted on the Live Casual Labour Register then he has to approach the Tribunal within the period prescribed under Section 21 of the AT Act.

7. After hearing the counsel for respondents and going through the various judgments, I find that the OA is hit by limitation and the same is rejected. No costs.


(KULDIP SINGH)
MEMBER(JUDL)

/Rakesh