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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 2841/1999

New Delhi, this the 26th day of April, 2001

HON'BLE MR. S.A.T.RIZVI, MEMBER (A)

Shri Hari Om, S/o Shri Raghbir,
Ex. Casual Labour,
Under Permanent Way Inspector,
N.E. Railway,
Lalkuan

Presently R/o
C/o Shanker Test House,
Mangolepuri, Delhi Applicant
(By Advocate: Ms. Meenu Mainee proxy for
Shri B.S. Mainee)

V E R S U S

Union of India through :

- 1. The General Manager,
N.E. Railway, Gorakhpur.
- 2. The Divisional Railway Manager,
N.E. Railway,
Izatnagar.
- 3. The Permanent Way Inspector,
N.E. Railway,
Lal Kuan. Respondents
(By Advocate: Shri P.M. Ahlawat)

ORDER (ORAL)

By S.A.T. Rizvi, Member (A):

Heard the learned counsel on either side.

2. The applicant remained employed as a casual labourer in the Railways time and again with breaks in service from 26.6.1979 right upto 30.4.1989. No work has been assigned to the applicant thereafter. The prayer made is for a direction to the respondents to re-engage the applicant after placing his name on the Live Casual Labour Register.

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3. The learned counsel appearing on behalf of the respondents submits that the OA is barred by the law of limitation and, for this purpose, places reliance on the decision of the Full Bench of this Tribunal in Shri Ramesh Chander & Others Vs. UOI and Others dated 10th May, 2000, whereby the following principle has been upheld:

"Provisions of the relevant Railway Board's circular dated 25.4.1986 followed by the 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."

4. If one has regard to the aforesaid finding reached by the Full Bench, the present case does not survive. However, the learned counsel appearing on behalf of the applicant submits that a Division Bench of this very Tribunal has taken a decision (not produced for perusal and citation not given) contrary to the aforesaid decision of the Full Bench after 10th May, 2000 on a case being remanded to this Tribunal by the Delhi High Court by its order dated ~~23.8.1999~~ 23.8.1999 in Shishpal Singh Vs UOI & Others reported as ATJ (2000) (1) 153. According to the learned counsel, the law of limitation applicable to the casul labourer as in the present case was discussed in the aforesaid case and a finding was recorded by the Delhi High Court that limitation will not operate in circumstances such as those obtaining in the present case. I have perused the aforesaid judgement and find that the said

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judgement has dealt with a case in which the applicant had acquired temporary status. In the present case the applicant has not acquired temporary status, and, therefore, the present case is distinguished on facts from the case dealt with by the Delhi High Court. Moreover, despite the decision of the Division Bench referred to by the learned counsel appearing on behalf of the applicant, I am bound by the decision rendered by the Full Bench on 10th May, 2000. On this ground as well as on the ground that the case dealt with by the Delhi High Court is distinguished from the present case on facts, I find no force in the present case. The same is, therefore, dismissed. No costs.


(S.A.T. RIZVI)
MEMBER (A)

(pkr)