

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.555 of 1999

New Delhi, this the 12h day of February, 2001

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

Shri Inderpal
S/o Shri Birbal Singh
Ex.Casual Labour
under PWI
Northern Railway,
Tundla

R/o 139, Sunil Store, Gari Lajpat Nagar,
New Delhi. ...Applicant

(By Advocate: Ms. Meenu Mainee, proxy counsel for
Shri B.S. Mainee)

Versus

Union of India Through

1. The General Manager,
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 R.L. Dhawan)

O R D E R(ORAL)

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

This OA has been filed by the applicant for wrongful inaction of the respondents in not re-engaging him in service as casual labour because they have not placed his name on the Live Casual Labour Register.

2. The facts in brief are that the applicant was engaged as casual labour under Permanent Way Inspector Tundla on 29.10.1981 and worked upto

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5.2.1982 for a total number of 189 days. Thereafter he has never been re-engaged by the respondents. The applicant claims that under the instructions of the Railway Board if any person had worked at any time after 1.1.1981 he has a right that his name should be brought on the Live Casual Labour Register and be given appointment in accordance with the Live Casual Labour Register. Accordingly he prays that a direction be given to the respondents to re-engage him in services in the order of seniority after placing his name on the Live Casual Labour Register.

3. The respondents are opposing the OA. The respondents in their reply have submitted that his case has become time barred as he has not applied at appropriate time for being enrolled on the Live Casual Labour Register. It is further submitted that he should have applied to the respondents after the scheme was issued by the respondents on 1.1.1981 and since he had not got enrolled himself at appropriate time, so his case is belatedly time barred.

4. I have heard the learned counsel for the parties and have gone through the records of the case.

5. The learned counsel for the applicant submitted that the applicant has a continuing cause of action and the bar of limitation will not come in his way. On the contrary, learned counsel for the respondents submitted that this very question has

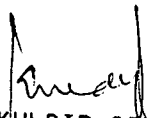
A been answered by the Full Bench in the negative which states that even if some one had worked for a number of days that is not a recurring cause and the same will not extend the period of limitation to get themselves registered on the Live Casual Labour Register, as such the OA be dismissed.

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5. Though Ms. Mainee has contended that since an appeal has been filed before the order of the Full Bench before the Delhi High Court and the decision is yet awaited so the OA be decided after the decision is rendered by the High Court. In my view since the judgment of the Full Bench is binding so I am of the considered view that the OA has to be rejected on the ground for enrollment of the applicant on the Live Casual Labour Register. As regards the question of getting his re-engaged when a junior is employed in preference to senior, that may be a recurring cause of action so long as junior remains in appointment but for getting the name enrolled on the LCLR is not a continuous continuous cause of action and for the purpose of re-engagement as casual labour is concerned the employee has to first get enrolled on the LCLR. Since applicant has not got himself enrolled on the LCLR so he cannot be re-engaged.

6. In view of the above, OA has no merits and the same is dismissed.

Rakesh


(KULDIP SINGH)
MEMBER (J)