

Central Administrative Tribunal
Principal Bench

O.A. No. 592/1999

New Delhi this the 21st day of November, 2002

(36)

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri V.K. Majotra, Member (A)

Shri Suresh Pal
S/o Shri Kaniya Lal
R/o 132, Kailash Nagar,
New Delhi.

-Applicant

(By Advocate: Shri B.S. Maine)

Versus

Union of India : Through

1. The General Manager
Northern Railway
Baroda House
New Delhi
2. The Divisional Railway Manager
Northern Railway
Moradabad.

-Respondents

(By Advocate: Shri R.L. Dhawan)

ORDER (Oral)

Hon'ble Shri Justice V.S. Aggarwal, Chairman

By virtue of the present application, Suresh Pal, applicant seeks a direction to re-engage his services after placing his name on the live casual labour register in order of seniority.

2. The relevant facts alleged by the applicant are that he had been engaged as a casual labour hot weather waterman at Railway Station Arseni Moradabad Division. He claims that he worked there from 1.4.1978 to 31.7.1978 and again he was engaged as a Rest Giver hot weather waterman at Railway Station Masrikh Tirth where he worked for 19 days in the months of April, May, June and July. Applicant contended that he had acquired temporary status and in

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accordance with the Railway Board instructions of 1986, all those causal labour who have been discharged after January 1981, their names have to be placed on the live casual labour register automatically and indefinitely. Relying on the said instructions, the present application had been filed.

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3. In the reply filed, the application has been contested to ascertain that it is barred by time. The applicant is stated to have been last worked for 90 days in different spells from 18.4.85 to 11.7.85. The petition after 14 years was stated to be deeply barred by time. On merits also, it is claimed that the relief that applicant seeks, cannot be granted.

4. During the course of submissions, our attention has been drawn towards the decision of the Full Bench of the Delhi High Court referred in the case of **Jagdish Prasad Vs. Union of India & Others** in Civil Writ Petition No.450/2001 decided on 7.5.2002. One of the questions for consideration before the Full Bench was as to if the live casual labour register, that is maintained, gives a continuous cause or not? The answer given by the Full Bench was in the negative and in other words, it was held that in a case of this nature, the cause of action cannot be countenanced. The Delhi High Court after recording the said finding dismissed the writ petition.

5. The facts of the present case are identical and makes no difference. Resultantly, we have no hesitation in holding that in the absence of

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continuous cause, the application unnecessarily fails to be barred by time. Resultantly, the OA is dismissed.

V.K. Majotra
(V.K. Majotra)
Member (A)

cc.

V.S. Aggarwal
(V.S. Aggarwal)
Chairman

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