

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A. No. 1246/98

New Delhi, this the 19th day of February, 2001.

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

Shri Lochan Singh S/o Shri Siya Ram
Ex. Casual Labour under D.R.M. Office
Northern Railway,
New Delhi.

R/o Jhuggi No.36, Diesel Shed~
Shakurbasti, New Delhi-34

- APPLICANT

(By Advocate: Ms. Minu Mainee, proxy for Sh. B. S. Mainee)

Versus

U.O.I. Through

1. The General Manager, Northern Railway
Baroda House, New Delhi.

2. The Divisional Railway Manager,
Northern Railway,
State Entry Road
New Delhi

- RESPONDENTS

(By Advocate: Mrs. Meera Chhibber)

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 and worked under respondents for 422 days from 4.1.83 to 14.5.84. The applicant was again appointed by Manager, Railway Staff Canteen and worked under him from 24.8.90 to 8.10.90. Applicant has prayed for a direction to appoint him in Group "D" post and to place his name on Live Casual Labour Register (in short "LCLR").

2. Respondents are contesting the OA. They have submitted that the applicant was not appointed by the competent authority. Though it is admitted by the respondents that applicant worked from 9.3.83 to 14.5.84

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and from 24.8.90 to 8.10.90 but at the same time, it is also stated that applicant's name does not exist on the LCLR and after a gap of eight years, chance of impersonification could not be ruled out.

3. As regards applicant's allegation that one of his colleagues Shri Raj Kumar who had been screened in 1989-90 alongwith him and had been given appointment whereas he had not been considered, respondents have submitted that Shri Raj Kumar was appointed with the approval of the competent authority whereas applicant herein was initially engaged without the approval of the General Manager.

4. We have heard learned counsel for the parties and gone through the records.

5. As regards bringing the name on the Live Casual Labour Register, 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".

6. The Hon'ble Full Bench after considering the

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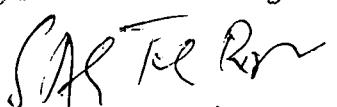
rival contentions and going through the various judgments on the issue, answered the question in the following manner:-

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

Provisions of the relevant Railway Board's circular dated 25.4.1986 circular dated 28.8.1987 issued by General Manger, 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".

7. It is an admitted fact that applicant's name does not exist on the LCLR. Since he has failed to apply at the appropriate time for bringing his name on the LCLR and the Hon'ble Full Bench has held that provisions of the relevant Railway Boards's circular for placing the name of casual labour on LCLR do not give rise to a continuous cause of action, therefore, the provisions of limitation contained in Section 21 of the Administrative Tribunals Act would apply in the present case.

8. Under the circumstances, ~~we are~~ of the opinion that this O.A. is time barred and is, therefore, rejected on the grounds of limitation. No costs.


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


(KULDIP SINGH)
MEMBER (JUDL)

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