

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.No.1292/1998

Friday, this the 4th day of May, 2001

Hon'ble Shri S.A.T. Rizvi, Member (A)

(32)

Shri Surgran Gujjar  
S/O Shri Chirangi Lal Gujjar  
Ex.Casual labour  
Under Station Master  
Western Railway  
Bijora

Presently residing  
in 312 D Block  
Tughlakabad  
New Delhi.

..Applicant

(By Advocate: Ms. Meenu Mani for Shri B.S. Mainee)

Versus

Union of India through

1. The General Manager,  
Western Railway,  
Church Gate,  
Mumbai.
2. The Divisional Railway Manager,  
Western Railway  
Kota (Rajasthan)
3. The Station Master,  
Railway Station, Western Railway,  
Bijora.

..Respondents

(By Advocate: Shri P.S. Mahendru)

O R D E R (ORAL)

The grievance disclosed in this OA is that though the applicant is a senior casual labourer having worked from 5.6.1987 to 30.6.1991, he has not been reengaged after 30.6.1991 by placing his name on the Live Casual Labour Register (for short "LCLR"). The respondents have sought to contest the OA by filing a counter reply. The applicant has filed a rejoinder thereafter.

2. I have heard the learned counsel on either side and have perused the material placed on record.

3. The learned counsel appearing for the respondents submits that the applicant was engaged as a <sup>seasonal</sup> ~~casual~~

2

(2)

Worker from 7.5.1989 to 11.5.1989, 13.5.1989, 21.5.1989, 28.5.1989, 4.6.1989 to 30.6.1989, 1.4.1989 to 30.6.1990, 8.4.1991 to 30.4.1991, 1.5.1991 to 31.5.1991 and 1.6.1991 to 30.6.1991. Having regard to the service rendered, temporary status was granted to the applicant w.e.f. 7.5.1991. He has filed a representation before the DRM, Kota for his reengagement on the ground that his juniors were working at that time. The date of representation has not been indicated.

4. The present OA has been filed belatedly in July, 1998 with an application for condonation of delay. I have perused the same and find no substance in it. According to the respondents also, the application is barred by limitation and is also hit by delay and latches. The delay caused cannot be condoned <sup>as according to law</sup> in view of the judgement of the Hon'ble Supreme Court in the case of Bhoop Singh Vs. Union of India & Ors., JT 1992 (3) SC 323 and other similar judgements.

5. In support of his claim that the application is not hit by limitation, the applicant has placed reliance on the Railway Board's circular of 28.8.1987. Relying on para 9 of the aforesaid circular, the learned proxy counsel appearing for the applicant has argued that since the applicant has been discharged after 1.1.1981, his name should be continued on the LCL Register indefinitely, and on that basis, he should be reengaged. I have considered the matter and find that the various provisions made in the aforesaid circular have been examined in great detail by the Full Bench of this Tribunal in the case of Mahabir

2

(3)

o Vs. Union of India & Ors. (OA-706/96 with other connected cases), decided on 10.5.2000. One of the questions referred to the Full Bench for decision is the following:-

"a) Whether the claim of a casual labourer who has worked prior to 1.1.1981 or thereafter with the respondents i.e. 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 aforesaid question has been answered by the Full Bench in the following terms:-

"Provisions of the relevant Railway Board's circular dated 25.4.1986 followed by the circular dated 28.5.1987 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."

7. If one has regard to the decision rendered by the Full Bench as above, the present application is obviously time barred and hence deserves to be rejected.

8. In the circumstances the OA is dismissed on the ~~ground~~ of limitation. No costs.

  
(S.A.T. Rizvi)  
Member (A)

/sunil/