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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

D.A.No.1464/1998

New Delhi: Dated : this the 8th day of Dec., 98

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A)

Roop Chand,
S/o Sh. Tej Ram,
R/o - WZ-892, Pankha Road,
Nangal Raya,
New Delhi.

.... Applicant.

(By Advocate: Shri U. Srivastava)

Versus

1. Union of India through
The Secretary,
Ministry of Defence,
South Block,
New Delhi.
2. The Engineer-in-Chief Branch (E-2 Cord),
Army Headquarter,
Kashmir House,
Rajaji Marg,
New Delhi.
3. The Chief Engineer,
Delhi Zone, MES Headquarters,
Delhi Cantt-10
4. The Garrison Engineer,
Garrison Engineer, Central Delhi Cantt-10.

(By Advocate: Shri R.P. Agarwal)

ORDER

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A).

Applicant prays for reengagement as a Casual Labourer in preference to juniors and outsiders.

2. Applicant worked as a Mazdoor with respondents on daily rated basis for a period of 150 days during 15.4.86 to 18.12.86. He approached the authorities in 1996, that is after 10 years for reengagement as a regular Mazdoor, and that prayer was rejected vide order dated 12.12.96 (Annexure-A/1). Applicant contends that while he is not being reengaged, others junior to him are working.

3. Respondents in reply point out that applicant's cause of action arose on his disengagement i.e. on 18.12.86 whereas this OA has been filed in August, 1998 i.e. after the expiry of 11 years 8 months and is therefore hit by limitation. They state that as applicant never approached the authorities after his disengagement on 18.12.86, the question of his engagement in preference to others does not arise.

4. I have heard both sides.

5. The Tribunal's orders in OA No. 2718/97; 894/98; and 249/98 filed by applicant in support of the contention in the OA do not help the applicant, because in none of them is the interval of time between their disengagement and their approaching the authorities or the Tribunal anywhere near 11 years 8 months.

6. In the result the OA is disposed of with a direction to respondents that subject to availability of work they should consider reengaging applicant as a casual labourer in accordance with rules and instructions and without compelling him to get his name sponsored by the Employment Exchange., he having already worked with respondents in 1986.

7. The OA is disposed of in terms of para 6 above. No costs.

(S.R. ADIGE)
VICE CHAIRMAN (A).