

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1688/1998

Tuesday, this the 20th day of February, 2001

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

1. Omprakash S/O Sh. Badlu
2. Nauranglal S/O Sh. Budh Ram
3. Daya Chand S/O Sh. Chain Sukh
4. Sarup Lal S/O Sh. Bansi Ram
5. Jai Ram S/O Sh. Begh Raj

M. Add:- RZ-215/B, Gali No.10,
Chatri Wala Marg, Raj Nagar-I
New Delhi-45.

..Applicants

(By Advocate: Shri Ravi Arora for Shri U.Srivastava)

VERSUS

Union of India through

1. General Manager,
Northern Railway, Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
Bikaner (Rajasthan).

..Respondents.

(By Advocate: Shri R.C.Malhotra & Shri R.L.Dhawan)

O R D E R (ORAL)

Aggrieved by the inaction on the part of the respondents in not bringing the names of the applicants on the live casual labour register, five different applicants have filed the present OA. They have prayed for quashing of letters dated 29.1.1998 & 17.2.1998 (Annexure A-1), rejecting their respective representations in the matter. They have naturally asked for the incorporation of their names on the live casual labour register and also want to be re-engaged in service in preference over juniors and outsiders.

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2. During the course of hearing of this case, the question regarding maintainability of the application insofar as the applicant Nos. 1, 4 & 5 are concerned, was raised before the Tribunal. It was then decided on 17.7.2000 that the names of the aforesaid applicants cannot find place in the present OA on account of a certain provision available in para 179 of IREM (Vol.I). The learned counsel appearing for the applicants had then agreed to withdraw the names of the aforesaid applicants leaving behind only two applicants, namely, Nauranglal & Daya Chand. These have each completed, though in broken spells, a period of more than 180 days. Shri Nauranglal had completed 350 days and Shri Daya Chand had completed 341 days. Their services were terminated on 16.2.1986. There is no dispute about these facts. What is disputed, however, is the validity of the claim filed by the aforesaid applicants at this belated stage. In support of their claim that the OA is time barred, the learned counsel appearing for the respondents has placed reliance on Jhandel Singh Vs. Union of India & Ors. (OA-1524/99), decided on 31.1.2001. A similar claim was made in that case when it was found, in accordance with the decision of the Full Bench in Mahabir Vs. Union of India & Ors. (OA-706/96 with connected cases), decided on 10.5.2000, that the claim of the applicants was time barred. I have already seen that the services of both the applicants left in the field were terminated on 16.2.1986 and they have approached the Tribunal for the first time in 1997. Thereafter, they have now filed the present OA in August, 1998. Needless to point out that their claim was time barred even when they approached the

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Tribunal for the first time in 1997. There is no change in that position and, as already stated, the case is now fully covered by the judgement of the Full Bench in Mahabir's case (supra).

3. In the facts and circumstances of the case, the OA is dismissed as time barred without any order as to costs.

S.A.T. Rizvi

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

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