

Central Administrative Tribunal
Principal Bench

O.A. 1750/98

(26)

New Delhi this the 28th day of September, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Tahir Ali,
S/o Shri Kacheru,
R/o 602, Sector A6, Pocket 7,
Narela, New Delhi.

... Applicant.

(None present)

Versus

Union of India through

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

2. Divisional Railway Manager,
Northern Railway,
Moradabad (UP).

... Respondents.

(By Advocate Shri R.P. Aggarwal)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

This application has been filed by the applicant on 7.9.1998 in which he has stated that he had worked with the respondents from 1981-1986 in different spells. His grievance is that his name has not been entered in the Live Casual Labour Register and the respondents have engaged other persons who are freshers and juniors to him.

2. The Tribunal by order dated 13.7.2000 had noted, after hearing the learned counsel for both the parties, that the statements made by the applicant in paragraph 1 of the O.A. are vague on the basis of which he states that on coming to know of the engagement of certain other persons mentioned therein who are junior to him, he has filed the present application. The learned counsel for the applicant

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was accordingly directed to file an additional affidavit giving the dates when those persons were engaged and the dates on which the applicant came to know about their engagement.

3. When the case was listed again on 29.8.2000, none had appeared for the applicant and Shri R.P. Aggarwal, learned counsel for the respondents had referred to the previous order. In the order dated 29.8.2000, the Tribunal had granted further one week to the applicant to file the additional affidavit, as directed by the Tribunal earlier. This affidavit has not been filed till date and none has also appeared for the applicant even on the second call. This case is listed at Serial No. 2.

4. In the rejoinder, the applicant has stated that he was not given any Casual Labour Card and the relevant records should be available with the respondents. In any case, as mentioned above, the applicant has not placed on record the relevant documents to substantiate his claim and, in particular, refute the submissions made by the respondents that he has not worked with them during the period as claimed. The respondents have also stated that the instructions dated 14.8.1987 are not applicable to casual labourers who are engaged for short durations and they are applicable only to those casual labourers who were engaged prior to 1981 and were discharged either prior to that date or thereafter on completion of work. The learned counsel for the respondents has also submitted that the application is hopelessly barred by limitation as the applicant has himself stated that he has been disengaged

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from the services of the ~~respondents~~ ²⁹ as far back as

18.11.1986. This application has been filed on 7.9.1998.

Learned counsel for the respondents has also relied on the recent decision of the Full Bench of the Tribunal in **Mahabir Vs. Union of India & Ors.** (O.A.706/1996), decided on 10.5.2000.

5. Taking into account the facts and circumstances of the case, the provisions of Section 21 of the Administrative Tribunals Act, 1985 and also the Full Bench judgement of the Tribunal in **Mahabir's case (supra)**, the plea of limitation taken by the respondents is legally in order.

6. In the result, for the reasons given above, I find that the application is not only barred by limitation, but also on merits the applicant has not been able to establish that the claims made by him are tenable in law. Accordingly, the O.A. is dismissed. No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'