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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No.1815/98

New Delhi, this the 3rd day of May, 1999

Hon'ble Shri R.K.Ahooja, Member(A)

Shri Chela Ram
S/o Shri Iqbal Chand
R/o Rambir Singh Colony,
Railway Road, Jind
Haryana ... Applicant

(By Shri D.N. Goverdhan, Advocate)

Versus

1. Union of India
C/o Manager, Northern Railway
New Delhi
2. D.P.O.
Northern Railway
D.R.M. Building,
Delhi ... Respondents

(By Shri R.L. Dhawan, Advocate)

C R D E R

The applicant claims that after he had rendered 190 days of service in Delhi Division of Northern Railway in various capacities such as temporary Waterman, Welding Khallasi and Painter Khallasi, he along with others was screened for appointment to Class IV staff and his name was placed at S.No.114 of the list of successful candidates. He claims that he was also medically examined. According to the applicant, while the screening test was done in 1989, the respondents have been making appointments out of this list and many of those included have already been given regular appointment. He made a representation in 1997 but as no reply was given, he has come to the Tribunal seeking a direction to the respondents to give him a regular post of Khallasi in Northern Railway and also to assign him work in preference to freshly recruited persons.

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2. According to Annexure-II, 19.8.1997 which is a copy of his representation addressed to D.P.O., Sahib, Northern Railway, the applicant served for a period from 6.3.69 to 18.7.69 for 101 days under IOW/JHI. He also claims to have served for 84 days under PWI/JHI from 3.3.70 to 2.5.70 and from 21.7.70 to 12.8.70. Similarly, he claims to have served for 9 days in 1973 and 55 days in 1989.

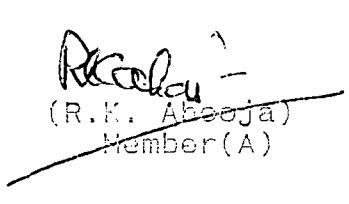
3. The respondents filed a Miscellaneous Application asking for better particulars in order to verify the claim of the applicant. They also asked for the casual labour card. In reply to this Miscellaneous Application, the applicant indicated the names of the officers under whom he had served. In counter reply the respondents have stated that they were able to verify the claim of the applicant for 9 days in 1973 and 55 days in 1989. But as regards the earlier period in 1969 and 1970, no verification was possible as the record was to be maintained only for five years and has since long been weeded out.

4. The learned counsel for the respondents in his arguments stressed on the delay in approaching the Tribunal and submitted that such delay is fatal to the applicant's case even if it were to be assumed that he has a case in the first place. He also pointed out that under the Indian Railway Establishment Manual, a casual labour must work for atleast 180 days continuously or in broken periods to qualify to have his name placed on the Live Casual Labour Register, but in the present case only a service of 64 days could be verified.

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5. I find that the respondents have a valid point. The last engagement of the applicant was in 1989. Till 1997 he took no steps to establish his claim. As for the screening test, his position was on his own statement at S.No.114. He says that those at S.No.1 to 9 have since been appointed, but nothing has been mentioned as to when they were appointed or whether these appointments have taken place in 1997 which would give him a cause of action, proximate to the date of filing his O.A. It has also been held by this Tribunal in a common judgment in O.A. No.1158/97 and O.A. No.444/98 that under para 179 X(iii)(c), Volume I of Indian Railway Establishment Manual, a casual labour has to put in atleast 180 days of service to qualify to have his name in the Live Casual Labour Register and this Rule has primacy over any executive instructions. Since the applicant has been able to establish engagement only for a period of 64 days, under this Rule he cannot claim to have his name placed on the Live Casual Labour Register. His claim for regular appointment on the basis of screening test on 21.2.1989 is in any event now time barred.

6. In the circumstances the applicant cannot be granted the directions he seeks. The O.A. is, therefore, dismissed. No order as to costs.


(R.K. Abeja)
Member(A)

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