

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

OA No.1978/98

with

OA No. 2167/98

OA No.542/99

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New Delhi, this the 12h day of February, 2001

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

OA No.1978/98

Shri Parvesh Kumar
S/o Shri Ram Chander
Ex.casual labour
under Station Master
Mahrera
under DRM Northern Railway,
Izat Nagar,

R/o K-94, Mazdoor Janta Colony, Welcome,
Silampur, Shahdara, Delhi.

-APPLICANT

Versus

Union of India Through

1. The General manager,
North Eastern Railway,
Gorakhpur.
2. The Divisonal Railway Manager,
North Eastern Railway,
Izatnagar.
3. The Station Master,
North Eastern Railway,
Mahrera:

-RESPONDENTS

OA 2167/98

Shri Om Prakash
S/o Shri Shri Ram
Ex.Casual Labour
under Station Superintendent
Bhartna
Northern Railway
Allahabad Division
R/o 204-A, DDA Flats, Kalkaji,
New Delhi.

....Applicant

Versus

Union of India: Through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
Allahabad.

..Respondents.

Shri Kiran Krishna Sinha
S/o Shri Manoj Kumar Sinha
Ex.Casual Labour
under Station Superintendent
RAilway Station, North Eastern RAilway,
Simri Bakhtiarpur

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R/o Street No.41 Bhola Nath Nagar,
Shahdara,
Delhi.

..Applicant

Versus

Union of India: Through

1. The General Manager,
Northern Eastern Railway,
Gorakhpur.
 2. The Divisional Railway Manager,
North Eastern Railway,
Samistipur.
 3. The Station Superintendent,
North Eastern Railway,
Simri Bhatiarpur.
-Respondents

Ms. Meenu Mainee, proxy counsel for Shri B.S.
Mainee, Counsel for the applicants.

Shri B.S. Jain, Counsel for the respondents.

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

As the issue involved in all these cases are identical, they are, therefore, being disposed of by a common order.

2. In OA No.1978/98 the applicant was engaged as Hot Weather Waterman from 16.5.84 to 26.5.84 for 11 days, 15.6.84 to 31.7.84 for 46 days and 3.4.86 to 22.4.86 for 19 days. Thereafter applicant was

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disengaged and has never been engaged by the respondents. As regards OA No. 2167/98 is concerned it is stated that the applicant had worked during the years 1985 and 1986 for 301 days and during the period from 1987 till 1991 for 464 days but thereafter he has never been re-engaged. Similarly in OA No. 542/99 the applicant had worked as casual labour w.e.f. 5.11.1980 to 20.7.83 for 470 days and from 1.4.84 to 6.7.87 for 66 days. He was again engaged on 1.3.89 and worked upto 13.11.1992 for 180 days. Thereafter he had never been re-engaged by the respondents. The applicants claim that under the instructions of the Railway Board if any person had worked at any time after 1.1.1981 has a right that their names should be brought on the Live Casual Labour Register and be given appointment in accordance with the Live Casual Labour Register as such the applicants seek a direction to the respondents that they be directed to re-engage the services of the applicants in the order of seniority after placing their names on the Live Casual labour Register.

3. The respondents are opposing the OAs. The respondents in their reply have submitted that their cases have become time barred as they have not applied at appropriate time for being enrolled on the Live Casual Labour Register. They should have applied to the respondents after the scheme was issued by the respondents on 1.1.1981 and since they

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have not enrolled themselves at appropriate time, so their cases are belatedly time barred.

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4. I have heard the learned counsel for the parties and have gone through the records of the case.

5. The learned counsel for the applicants submitted that the applicants have a continuing cause of action and the bar of limitation will not come in their way. On the contrary, learned counsel for the respondents submitted that this very question has been answered by the Full Bench in the negative which states that even if some one had worked for a number of days that is not a recurring cause and the same will not extend the period of limitation to get themselves registered on the Live Casual Labour Register, as such the OA be dismissed.

6. Though Ms. Mainee has contended that since an appeal has been filed before the order of the Full Bench before the Delhi High Court and the decision is yet awaited so the OAs be decided after the decision is rendered by the High Court. In my view since the judgment of the Full Bench is binding so I am of the considered view that these OAs have be rejected on the prayer for enrollment of the applicants on the Live Casual Labour Register. As regards the question of getting them re-engaged when a junior is employed in preference to senior, that may be a recurring cause of action so long as junior

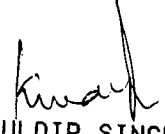
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4 remains in appointment but for getting the name enrolled on the LCLR is not a continuous cause of action and for the purpose of re-engagement as casual labour is concerned the employee has to first get enrolled on the LCLR. Since applicants have not got themselves enrolled on the LCLR so they cannot be re-engaged.

7. In view of the above, OA has no merits and the same is dismissed.

4 Let a copy of this order be placed in all the three case files.


(KULDIP SINGH)
MEMBER(JUDL)

Rakesh

