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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A. No.2070/98

HON'BLE SHRI R.K. AHOOJA, MEMBER(A)

New Delhi, this the 15th day of September, 1999

Shri Khacheru  
S/o Shri Murari Lal  
Ex-Gangman  
R/o Vill. Murela, P.O. Pakbada  
Distt. Moradabad (U.P.)  
Worked as casual labour under  
P.W.I., Northern Railway  
Railway Station, Delhi

.....Applicant

(By Advocate: Shri M.K. Bhardwaj, proxy of  
Shri A.K. Bhardwaj)

Versus

1. Union of India through  
The General Manager  
Northern Railway  
Baroda House, New Delhi
2. The Divisional Railway Manager  
Northern Railway  
Delhi Division  
D.R.M. Office  
Paharganj, New Delhi
3. The Permanent Way Inspector  
Northern Railway  
Delhi Division  
Railway Station, New Delhi

....Respondents

(By Advocate: None)

O R D E R (ORAL)

The applicant claims to have worked under the P.W.I., New Delhi as a casual labour for the period 29.1.1984 to December, 1985. In 1998 he filed a representation that his name has not been included in the Live Casual Labour Register. No relief was given to him by the respondents which has brought him before the Tribunal.

2. The respondents in their reply have stated that the applicant was engaged by an incompetent authority.

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Therefore, no claim can be raised on that basis. They also submit that the O.A. is barred by limitation as this application has been filed fourteen years after the last engagement.

3. I have heard the counsel for the applicant. None has appeared for the respondents.

4. As per the scheme at Annexure A-6 it is the responsibility of the respondents to maintain the names of those casual labour who were engaged after 1.1.1981 in the Live Casual Labour Register. Admittedly, the applicant had worked as a casual labour during 1984. He was thus entitled to have his name placed on the Live Casual Labour Register. The appointment of his juniors therefore gives him a recurring cause of action though relief to be granted to the applicant has to be modulated in terms of the time frame in which he has approached this Tribunal. The contention of the respondents that the applicant was engaged by an unauthorised person to make such appointments cannot be accepted. The applicant as a casual labour cannot be expected to know as to whether the person appointing him was authorised or not; he is only concerned with his pay for the work rendered by him.

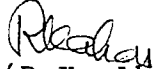
5. In the aforesaid circumstances, the O.A. is allowed. The respondents are directed to include the name of the applicant in the Live Casual Labour Register and to provide him reengagement, if work is available with them. The applicant will not be entitled to claim any preference over those whose names

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have already been included in the Live Casual Labour Register and who have been reengaged or regularised on that basis keeping in view the fact that he has approached this Tribunal only in 1998.

6. No order as to costs.

  
(R.K. Ahojja)  
Member (A)

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