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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.2126 of 1998

New Delhi, this the 5th day of November, 1999

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

Babi Bai D/o Shri Lachman
R/o Harizan Basti,
Palam Village,
(Dwarka), New Delhi

....Applicant

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

Versus

1. Union of India, through
The General Manager,
Northern Railway, Baroda House,
New Delhi.

2. The Divisional Railway Manager,
DRM Office,
Northern Railway, New Delhi

3. The A.D.R.M.
D.R.M. Office,
Northern Railway, New Delhi

4. The D.P.O.
D.R.M. Office,
Northern Railway, New Delhi

....Respondents

(By Advocate: Shri R.P. Aggarwal)

O R D E R

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

In this O.A., the applicant is aggrieved of the fact that the respondents are not giving her re-employment despite the fact that work is available and certain casual workers who were junior to her had been employed by the respondents. This act of the respondents is stated to be discriminatory, arbitrary and violative of Articles 14 and 16 of the Constitution of India. So the applicant has prayed to direct the respondents to include her name in the Live Casual Labour Register (in short 'LCLR') and further direct the respondents to re-engage the applicant as casual worker in preference to juniors and freshers.

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2. Facts in brief are that the applicant alleges that she had been working with the respondents from 1.1.80 to February, 1981, when she was disengaged for want of work. She has further stated that the instructions contained in circular of the Railway authorities issued on 28.8.87 whereby the railway authorities were required to maintain a LCLR and enter the names of all those casual workers who were discharged from the employment at any time after 1.1.81, were not followed in her case. The circular even goes to the effect that in case the name of a casual labour has been earlier deleted, the same may also be restored. It is stated that as per the circular, the respondents are under obligation to enter the name of the applicant in the LCLR and whenever a job is available, they are to offer the same to the applicant in preference to her juniors.

4. 3. The respondents have contested the petition. In their reply, they have stated that every casual labour engaged by the railways had been issued Casual Labour Card for maintaining the record of his casual labour service. However, in case of the applicant, she has not attached alongwith the application a copy of her casual labour card. Without that, it is not feasible for the railway authorities to ascertain whether she had ever worked as a casual labour during the alleged period and after a gap of 18 years, chance of impersonification cannot be ruled out. The respondents have further stated that even from the record it cannot be established as paid vouchers, from which it could have been possible to verify her casual labour service, had been destroyed as

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their life span is only five years. It is also stated that the application is barred by limitation as the cause of action, if any, had arisen in February, 1981 when she was disengaged.

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

5. It is admitted by the parties that the railway authorities did issue a circular for maintaining a LCLR but the authorities are under obligation to enter the name of a casual labour in the LCLR only if there is an authentic proof available with the applicant for having rendered casual service. But in this case, the casual labour card is not available with the applicant and the payment vouchers, if any, are not available with the railway authorities. Thus, on record, there is no evidence at all to show that the applicant had ever worked as a casual labour from 1.1.80 to February, 1981. In these circumstances, this court is unable to pass any direction to the railway authorities to enter the name of the applicant in the LCLR.

6. Even otherwise, according to the applicant, the circular vide which railway authorities were under obligation to maintain a LCLR was issued on 28.8.87 and according to her, she was not working from February, 1981. Why she remained silent from the day the circular for maintaining LCLR was issued, there is no explanation to that also. The cause of action to get the applicant's name entered into the LCLR can be said to have accrued to her when the circular was issued in August, 1987. The

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applicant has come to this court only on 15.10.98 i.e. after 11 years of the issue of the circular. So the application is also highly belated and thus time barred.

7. In view of the above discussion, I find that the application has no merit and it is accordingly dismissed. No costs.


(KULDIP SINGH)
MEMBER(JUDL)

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