

Central Administrative Tribunal
Principal Bench

O.A.No.2463/98

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

New Delhi, this 16th day of August, 1999

Hans Raj
s/o Jog Raj
c/o Shri K.R.Awasthi
34/17, Railway Colony
Kishan Ganj
Delhi.

Applicant

(By Shri K.K.Patel, Advocate)

Vs.

1.Union of India
through the General Manager
Baroda House
New Delhi.

2.Divisional Railway Manager
Northern Railway
State Entry Road
New Delhi.

Respondents

(By Shri B.S.Jain, Advocate)

O R D E R (Oral)

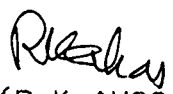
The applicant claims that he was engaged as casual Khalasi under IOW, Survey, Northern Railway, DRM Office, New Delhi for various periods in 1981 for about 103 days. On that basis, he claims that his name should be included in the Live Casual Labour Register in accordance with the Railway Board's Circular dated 28.8.1987. He also states that he filed a representation dated 29.12.1997 which has not been considered by the respondents.

2. The claim of the applicant is resisted by the respondents on the ground of limitation as well as lack of sufficient qualification for inclusion in the Live Casual Labour Register as per Rule 179 (XXIII) - 13(C) of Indian Railway Establishment Manual (IREM), Vol.1.

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3. I have heard the counsel. Although the responsibility for including the names of the Casual Labour who have been engaged after 1.1.1981 and have been retrenched on account of non-availability of work, rested upon the respondents, this right is not available to those casual labour who have left the work of their own accord. In the present case, the applicant was engaged during the year 1981. Thereafter for 16 years he did not press his case and filed his representation as late as in December, 1997. It is doubtful that at this stage even the relevant records would be available. The respondents say that the fact that the applicant ^{took} ~~would~~ no action for such a long period is indicative of the fact that he had left the work on his own accord. Considering the long period, ^{before} ~~after~~ he took action ^{of} over 17 years, I am inclined to accept the objection of the respondents. Although the applicant can claim a recurring cause of action in regard to the limitation, the long period of silence shows that he was ^{not} ~~was~~ interested in working for the respondents till now. In this situation, the objection of the respondents that he had left the work on his own accord has to be sustained. The OA is accordingly dismissed. No Costs.


(R.K. AHOOJA)
Member(A)

/rao/