

Central Administrative Tribunal
Principal Bench, New Delhi

O.A. No.505/98

New Delhi, this the 2nd day of April, 1999

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

Ganga Bisan
S/o Shri Sher Singh
R/o RZH-308, Raj Nagar II
Palam Colony, New Delhi 45

... Applicant

(By Shri U.Srivastava, Advocate)

Versus

Union of India through

1. The General Manager
Northern Railway
Baroda House, New Delhi
2. The Divisional Railway Manager
Northern Railway
Muradabad (U.P.)
3. P.W.I, Northern Railway
Rajghat, Narora (UP).

(By Shri B.S. Jain, Advocate)

O R D E R

The applicant claims that he was engaged as a casual labour from 14.10.77 to 14.12.84 and was discharged for non-availability of work. His grievance is that the respondents have not considered him for reengagement and regularisation in accordance with the Scheme notified by their Circular dated 28.8.87 (Annexure I).

2. The respondents have raised the preliminary objection that the application is time barred. They also state that the applicant was engaged as a casual labour in the Moradabad Division of the Northern Railway and, therefore, O.A. is not maintainable before the Principal Bench. They also state that on merit the applicant has no claim since only the General Manager, Northern Railway could authorise the appointment of

casual labour after 1.1.1981 and in this case no sanction of General Manager being available, the engagement of the applicant was ab-initio void.

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3. I have heard the counsel. The responsibility of maintaining the names in the Live Casual Labour Register of those who were discharged after 1.1.81 for want of work is on the respondent Railways. The applicant, therefore, has a recurring cause of action every time a junior is regularised in service. Of course, the relief to be granted to the applicant has to be modulated in terms of the time frame in which he has approached the Tribunal. Therefore, the plea of limitation raised by the respondents cannot be accepted.


4. The objection regarding jurisdiction is also not maintainable since the applicant claims to be a resident of Palam Colony, New Delhi.

5. As regards the objection of the respondents that the engagement of the applicant was without authorisation of the General Manager, this Bench has already held that the casual labour cannot be expected to obtain such an authorisation and it is the responsibility of the General Manager to enforce the instructions of the Railway Board. In case no action is taken against the official who appointed him as casual labour contrary to the instructions of the Railway Board then it must be assumed that relaxation has been granted for such engagement.

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6. In the light of the above discussion, the O.A. is bound to succeed. The respondents are directed to include the name of the applicant in the Live Casual Labour Register and to offer him reengagement, if work is available, in accordance with his seniority. It is, however, made clear that the applicant will not have any claim against such of his juniors who have already been given reengagement and regular appointment. There will be no order as to costs.

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(R.K. AHOOJA)

MEMBER (A)

SC