

Central Administrative Tribunal
Principal Bench

O.A.No.693/98

(2)

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

New Delhi, this the 31st day of March, 1998

Shri Rafique
s/o Shri Zahoor
working as Mate at Hissar
O/o Chief Administrative Officer (Const.)
Northern Railway
Kashmiri Gate
Delhi - 110 006.
r/o 22-B, BG Railway Colony
Hissar (Haryana). Applicant

(By Shri P.M.Ahlawat, Advocate)

Vs.

Union of India through

1. The General Manager
Northern Railway
Baroda House
New Delhi - 110 001.
2. The Chief Administrative Officer (Const.)
Northern Railway
Kashmiri Gate
Delhi - 110 006.
3. The Divisional Railway Manager
Northern Railway
Bikaner (Rajasthan). Respondents

O R D E R (Oral)

The applicant has come before this Tribunal with a prayer that the respondents Railways be directed to pay Central Payscale arrears w.e.f. 1.1.1981 to the date of making the payment in the grade of Rs.205-308/Rs.950-1500 (RPS) to the applicant with all consequential benefits. He further prays that the respondents be directed to regularize his services as Group 'D' w.e.f. 11.8.1976 or from the date of holding the first screening test at the Bikaner Division.

2. Since the matter prima-facie appeared to be barred by limitation, the learned counsel was heard on that point. The learned counsel for the applicant

-2-

submitted that the respondents have issued two circulars, one dated 7.2.1996, Annexure-A3 on the question of payment of CPC arrears to casual labour after granting temporary status and the other dated 30.6.1995 on the subject of arrear claim bills of casual labourers. He pointed out that in these circulars, instructions have been given to the Divisional Railway Managers (DRM) concerned to examine the pending arrear claims of the staff and to submit the requisite information in the prescribed proforma. The learned counsel for the applicant submitted that since the Department itself had taken decision in 1996, to consider the claims of payment of the claims, the present OA is not barred by limitation even though the claim pertains to the period from 1981 to 1987.

3. I have considered the matter carefully. It is not clear from the circulars cited as to whether the claims are to be considered for any particular period. Further more, the circulars were also issued in 1995 and 1996 and the present application has been filed in 1998. The applicant has not cited whether any decision was taken by the respondents on the representation filed by him though he has annexed a copy of the representation, ^{dated} A5 which is as late as 24.11.1997. In view of this position, I consider that the claim made by the applicant for payment of arrears for period pertaining upto 1987 is squarely barred by limitation.

4. The learned counsel also submits that the applicant has made a prayer for regularization of his services in Group 'D' w.e.f. 11.8.1976 and further to direct the respondents to regularise him as Mate after

Dr

-3-

regularising him in Group 'D'. In this connection, he relies on the judgment of the Hon'ble Supreme Court in Ram Kumar Vs. Union of India, 1996(1) SLJ Page 116 to establish that casual labour who are working in Group 'C' are to be first regularized in Group 'D' and thereafter to be considered for regularization in Group 'C'. Here also I do not find that the applicants prayer cannot be considered at this stage. The applicant firstly seeks regularization in Group 'D' w.e.f. 11.8.1976 through in fact he had been regularised w.e.f. 1987. At this late stage, he cannot seek a relief that his regularization should be pre dated to 1976. Further applicant had also filed OA No.936/97 in which he had made a prayer that he should be 'regularised as Mate as per extant rules as he had only been given temporary status as Mate. It appears that the applicant had filed that OA seeking his regularization in Group 'C' in the grade of Mate. That OA was dismissed. He has now come with the same prayer though in a ~~now~~ ^{now} hard about way in that he seeks regularization in Group 'C' after his regularization in Group 'D'. In my view as this prayer has already been agitated in the earlier OA, it cannot be reagitated again on the doctrine of res judicata.

5. In view of the above discussion, the OA is summarily dismissed being barred both by limitation as well res judicata.

Rao
(R.K.Ahooja)
Member (A)

/rao/