

Central Administrative Tribunal
Principal Bench

O.A.No.744/98

(15)

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

New Delhi, this the 18th day of February, 1999

Rajender s/o Shri Ginni Ram

Inder Singh s/o Shri Mani Ram

Sube Singh s/o Shri Prabhu Dayal

r/o RZ-217, Chaurasia Pan Bhandar
Dada Chhatri Wala Marg
Rajnagar-I, Palam Colony
New Delhi - 110 045.

Applicants

(By Shri M.K.Gaur, Advocate)

Vs.

Union of India through

1. The General Manager
Northern Railway, Baroda House
New Delhi.

2. The Divisional Railway Manager
Northern Railway
Near Railway Station
Bikaner (Rajasthan).

3. The P.W.I
Northern Railway
Mahendragarh (Haryana). ... Respondents

(By Shri R.L.Dhawan, Advocate)

O R D E R (Oral)

The applicants, three in number, claim that they have worked with the Railways between 15.1.1982 to 14.12.1982. Thereafter they were retrenched for want of work. On that basis they have claimed the benefit of the Scheme, Annexure-A2 for having their names placed on the Live Casual Labour Register and for their re-engagement and regularisation in due course.

2. The respondents in reply have stated that all the three applicants had worked for various periods prior to 1.1.1981 and that they had left work of their own

Ju

(16)

accord. Consequently, they are not entitled to the benefit of the Scheme, Annexure-A2. Under that Scheme those who were retrenched prior to 1.1.1981 had to submit a representation for having their names placed on the Live Casual Labour Register. This had not been done by the applicants. There is also a submission that the application is barred by limitation.

3. I have heard the counsel on either side. The learned counsel for the applicant submitted that though the applicants would not have a claim for having their names included in the Live Casual Labour Register, nevertheless, they can under the provision of Para-11 of the Scheme in question, claim preference for re-engagement if no person is available from the Live Casual Labour Register. He submits that a direction to that effect may be made to the respondents.

4. I have considered the matter. As rightly pointed out by the learned counsel for the respondents, the claim of the applicants for re-engagement lapses if they do not file representation within proper time. There is also an allegation by the respondents that the applicants left work of their own accord, though this is denied by the applicants. The fact that they have approached the Tribunal after a lapse of 16 years is indicative of the fact that they were not interested in re-engagement and the present OA is only an after thought. For this reason, I hold that the OA is barred by limitation. The same is accordingly dismissed.


(R.K. Ahuja)
Member(A)

/rao/