

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 944 of 1998

New Delhi, this the 12th day of February, 2001

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

1. Sudhakar Singh
S/o Shri Bhupal Singh
R/o 35//11, Trilokpuri,
New Delhi.
2. Ghansham Singh
S/o Gajraj Singh,
208, Dalbir Nagar Extension,
3. Ratnakar Singh
S/o Shri Ram Lakhan Singh
35/11 Trilok Puri,
New Delhi.
4. Nath Singh
S/o Shri Man Singh
516, Janta Flats,
Nand Nagri,
Delhi-32.
5. Ram Prasad Singh
S/o Gaya Prasad Singh
W-224 Babarpur,
Shahdara, Delhi-32.
6. Ram Bahdur Singh
S/o Dev Paryag Singh
A-98, Ganga Vihar,
Gokul Puri, Delhi.
7. Lalta Parsad
S/o Ishwar Deen
Jhuggi No.E-36/A/262,
Trilok Puri,
Near 33/32 Block,
Delhi-110 092.

-APPLICANTS

(By Advocate: Shri K.K. Patel)

Versus

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 Advocate: Shri R.L. Dhawan)

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O R D E R (ORAL)

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

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7 applicants have filed a joint OA wherein they have prayed for the following reliefs:-

(i) Direct the respondents to engage the applicants forthwith in preference to all other freshers and junior casual labourers.

(ii) Direct the respondents to re-engage the applicants in accordance with the seniority fixed on the basis of total number of working days they have rendered as casual labourers as prescribed by Railway Board instructions issued from time to time.

(iii) That the respondents to consider the applicants for inclusion of their names in the live casual labour register and regularise them in accordance with Railway Board Instructions.

2. Facts in brief are that these applicants had worked as casual labourers for various periods. The applicant No.1 had worked from 5.9.86 to 14.3.1987 for about 167 days, applicant No.2 from 15.7.1981 to 14.12.1981 for 151 days, applicant No.3 from 15.7.1981 to 14.12.1981 for 149 days, applicant No.4 from 15.7.1981 to 14.1.1981 for 147 days, applicant No.5 from 15.7.1981 to 14.12.1981 for 124 days, applicant No.6 from 15.7.1981 to 14.1.2.1981 for 142 days and applicant No.7 from 15.7.1981 to 14.12.1981 for 144 days. Since they have also prayed

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that they be enlisted on the Live Casual Labour Register, so it is to be seen whether the application is within the limitation period or not as held by the Full Bench.

3. The OA is being opposed by the respondents. They are mainly opposing the OA on the ground of limitation. They have stated that applicant No.1 had worked for 167 days, applicant No.2 for 151, applicant No.4 for 145 days, applicant No.5 for 124 days, applicant No.6 for 142 days and applicant No.7 for 114 days but have not said anything about applicant No.3. They have, however, submitted that the applicants have filed this OA after a lapse of 17/11 years which is highly belated and time barred by time, as such the OA deserves to be dismissed on that ground alone.

4. Heard the learned counsel for the parties and gone through the record.

5. It is an admitted case of the parties that none of the applicants have been registered on the Live Casual Labour Register.

6. The learned counsel appearing for the applicants submitted that since in the case of Sheesh Pal (OA No. 914/48) it has been held that a cause of action is a recurring one so the plea of limitation does not bar the applicants from filing the present

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OA even after a lapse of certain years. In reply to this, the learned counsel for the respondents submitted that this very judgment has been considered by the Full Bench and other judgments also which came to the conclusion that the cause of action to bring the name of casual labour on the Live Casual Labour Register is not a recurring one and the question of limitation specifically referred to Full Bench had been answered in the negative. As far as the case of Sheesh Pal is concerned though Hon'ble High Court had said cause of action is recurring one, but it was in this context that junior to Sheesh Pal had been engaged. So vis-a-vis junior to Sheesh Pal cause of action was stated to be a recurring one, but as far as the bringing up of name on the LCLR is concerned, Hon'ble Full Bench has clearly held that cause of action to bring the name on the LCLR is not a recurring one and OA for this purpose has to be filed within the period of limitation. So relying upon the judgment of the Full Bench I find that the OA is barred by time and as such is not maintainable.

7. In view of the above, OA has no merits and the same is dismissed. No costs.

Kuldeep
(KULDIP SINGH)
MEMBER(JUDL)

/Rakesh