

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.
MA.170/95 and OA.147/95
Dated this the 28th of February, 1995.

(B)

Shri N.V. Krishnan, Hon. Vice Chairman(A)
Dr. A. Vedavalli, Hon. Member(J)

Bal Ram,
S/o Shri Ram Lall,
R/o Village Phondapur,
P.O. Gajraula,
Tehsil Dhanora,
Distt. Moradabad.

...Applicant

By Advocate: Shri Malik B.D. Theraja.

versus

1. Union of India through
General Manager,
Northern Railway,
Head Quarter Office,
Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway,
Moradabad.
3. The Assistant Engineer,
Northern Railway,
Hapur,
Distt. Ghaziabad.

...Respondents

By Advocate: None.

O R D E R (Oral)
(By Shri N.V. Krishnan)

MA.170/95 has been filed for condonation of
delay.

2. We have heard the learned counsel for the applicant.
3. The OA contains a request that the respondents should be directed to absorb the applicant in permanent Railway service as a Gangman giving him all the benefits of seniority or, alternatively, it should be ensured that his name finds a place in the Live Casual Labour Register.

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4. It is stated that the applicant is an illiterate. He has been representing from 1991 onwards for regularisation (Annexure A1 to A5). It is only by Annexure A-6 document stated to be issued to him on 20.9.94 by the Railways that particulars of his service as a casual labour were given, showing that he has been engaged intermittently during various periods from 14.2.73 to 14.11.74 for a total period of 384 days. Obviously, with this kind of service, seeking a direction now to the Railways is hopelessly barred not only by limitation but also by jurisdiction.

5. In the MA, it is stated that the delay took place because, without getting the record of the service, he could not put up any claim and that the record was given to him only on 20.9.94. His previous representation was left unanswered.

6. We are not satisfied with this explanation. The applicant has no case that he had sought regularisation soon after 1974 and it was not given. The case of casual labourers had been dealt with, by the Supreme Court in the past and instructions have been issued by the Railways to take action in pursuance of those directions. The relief now claimed by the applicant ought to have been claimed long back. In the circumstances, we find that the OA is hopelessly delayed and the MA does not give any satisfactory reasons.

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7. MA is therefore rejected. OA is dismissed as
being time barred.

A. Vedavalli

(Dr. A. Vedavalli)
Member(J)

/kam/

N. V. Krishnan
28/2/85

(N.V. Krishnan)
Vice Chairman(A)