

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No.167/95

New Delhi this the 18th Day of July, 1995.

Hon'ble Sh. N.V. Krishnan, Vice-Chairman (A)  
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Suresh Chand Sharma,  
Son of Sh. Ram Bharose Lal
2. Naresh Kumar S/o Sh. Wasu
3. Shrinivas S/o Sh. Munshilal
4. Rajendra Prasad S/o Sh. Tota Ram
5. Genda Lal S/o Sh. Ram Bharose
6. Ramakant S/o Sh. Nand Lal

All are C/o Deputy  
Engineer (Const)  
Northern Railway,  
Baraili.

Applicants

(By Advocate Sh. Naresh Kaushik)

Versus

1. Union of India through  
Secretary and General Manager,  
Northern Railway, Rail Bhawan,  
New Delhi.
2. Chief Administrative Officer (Const.)  
Northern Railway,  
Kashmiri Gate,  
New Delhi.

3. Deputy Chief Engineer (Const.)  
Northern Railway Rampur Baraili  
Doharkaran, Baraili.

Respondents

ORDER (Oral)  
(Hon'ble Mr. N.V. Krishnan, Vice-Chairman (A))

This O.A. has come up for admission. The applicants, six in numbers, are casual labourers under the respondents. It is stated that the screening for regularising them along with others was held on 18.5.89. The results of that screening have not been announced for reasons best known to the respondents. On the contrary, it is alleged that similarly situated persons have been screened in other conditions and

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also regularised in 1990 as can be seen from Annexure-4. However, the results of the screening of the applicants have not yet been regularised.

2. In the meanwhile, the respondents have now issued a letter dated 29.11.94 to the applicants asking them to give their willingness for screening as Khalasi. It may be mentioned that the applicants were working as Hamman and Blacksmith. In the circumstances the OA has been filed for a direction to quash the impugned Annexure 8 letter dated 29.11.94 calling for the willingness of the applicants to be screened as Khalasi.

3. When the matter came for admission, we pointed out that an issue of limitation would appear to ~~arise~~ <sup>arise</sup> and the learned counsel was given a choice as to whether he would like to file an application for condonation of delay. However, on 30.3.95, Sh. Shankar Divate, the learned counsel for the applicant submitted, on the basis of an additional affidavit that there is no bar of limitation. Therefore, he was informed that we are taking note of this submission and deal with this case on the basis that it is contended that there is no delay. An additional affidavit has also been filed giving further information. The matter came up for admission today. Sh. Naresh Kaushik, the learned counsel for the applicants was heard. It is admitted that the screening took place in 1989. Certain results of that screening in relation to some categories viz. Carpenter, Black Smith, Painter, Masoon, Bridge Sahang

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and Wireman were announced on 8.12.89. It is also admitted that ~~in the~~ <sup>in the</sup> ~~labouring~~ division that similar results were announced in January, 1990. We, therefore, wanted to know why the limitation should not be reckoned immediately after the screening was held. As mentioned above, the contention now raised by the applicants is that there is no delay and no bar of limitation and hence no grounds have been mentioned.

4. It is now stated that the impugned Annexure-8 letter dated 8.11.94 seeking their willingness to be screened as Khalasi give them a fresh cause of action, for in response thereto, 5 persons of whom four are the applicants before us, have requested that they should be selected for the post of Black Smith and <sup>ma</sup> ~~Hamman~~, which was the work being done by them. It is, therefore, stated that cause of action gets revived on this date.

5. We are unable to agree. As far as the 1989 screening is concerned, we notice that one result was published on 8.12.89. If the applicants were aggrieved that they were either not selected or their names were omitted, they should have taken action in time. They have not done so nor have they given any reason for the delay. Therefore, this OA is liable to be dismissed on the ground of limitation.

6. We also notice that even in reply to the Annexure 8 letter it is admitted that the result was declared but the applicants were not regularly appointed.

7. In these circumstances, we are not satisfied that the applicants have any case at all in regard to the screening of 1989. ~~As likely as~~ <sup>not</sup> they were screened but found unfit. If they had any grievance in that regard action should have been taken to challenge the result of the screening issued in 1989 in accordance with law. In the circumstance we find that the applicants have no case for getting the relief which they have prayed for in the OA viz. for a direction to the respondents to declare the result of the screening held on 18.5.89. Accordingly, the OA in so far it concerns this relief is held to be barred by limitation and also on merits it is found that the results have already been declared and hence this portion of the relief cannot be granted. The other relief sought is to quash the Annexure 8 order seeking their willingness. It appears that the Khalasis are the the only posts where probably regularisation can be done and hence willingness has been sought. It is open to them not to give their willingness, ~~but~~ <sup>But</sup> that Annexure 8 order cannot be quashed on any valid ground. In the circumstances we find no merit in the OA. It is dismissed at the admission stage itself. No costs.

*Lakshmi Swaminathan*

(Smt. Lakshmi Swaminathan)  
Member(J)

*'Sanju'*

*N.V. Krishnan*  
18/7/85

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