

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

(7)

O.A. No.2228/95

New Delhi, this the 30th day of Sept.1996

Hon'ble Mr. A.V. Haridasan, Vice Chairman(J)

Hon'ble Mr. K. Ramamoorthy, Member(A)

Subhash Chand s/o Shri Ram Dass,  
R/o H.No.794,  
Pana Udyan,  
Narela, Delhi-40.

... Applicant

(By Shri A.K.Bhardwaj, Advocate)

VERSUS

Union of India through

1. The Director General,  
Doordarshan,  
Doordarshan Kendra,  
Mandi House,  
New Delhi.

2. Deputy Director(Admn.),  
Doordarshan,  
Doordarshan Kendra,  
Mandi House,  
New Delhi.

... Respondents

(By Shri B. Lall, Advocate)

ORDER (Oral)

Hon'ble Mr. A.V. Haridasan, Vice Chairman(J)

The applicant who claims to have been engaged as a casual labourer from 1.12.1984 and disengaged with effect from Aug. 1985, has filed this application under Section 19 of the Administrative Tribunal Act on 21.11.95 praying that the respondents be directed to reengage him in service as a casual labourer in preference to the juniors and outsiders and to consider his case for regularisation against group 'D' post.

2. It is alleged that the respondents have reengaged



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on 1.3.1995 two casual labourers Smt. Santosh and Srichand who were disengaged alongwith him and that the action of the respondents in not re-engaging the applicant is arbitrary and unreasonable.

3. The respondents contend that the applicant who claims to have been last engaged in 1985 is barred by limitation from approaching this Tribunal after a decade as the respondents have been engaging casual labourers in batches on rotation basis and as this was within the knowledge of all casual labourers. They contend that as no record relating to any employment of the applicant under the respondents is traceable, they do not admit that the applicant was ever engaged by them. There is no casual labourer by name Smt. Santosh and Sri Chand was being engaged continuously from 1.1.1990, contend the respondents. They have stated that after the judgement of the Tribunal in Sh. Rameshwar and Ors. in OA No. 2052/89, the respondents did not discontinue the existing casual labourers and they were granted temporary status under the Scheme. The applicant who even according to him was disengaged in 1985 did not raise any grievance till the date of filing of this application though several batches of casual labourers were engaged thereafter and therefore, the application deserves to be dismissed in limine, contend the respondents.


4. We find considerable force in this argument of the respondents. It is evident from the judgement of this Tribunal in OA No. 2052/89 and the connected case titled Shri Rameshwar & Ors. vs. UOI that even after 1985 the respondents had been following a policy of engaging casual labourers in batches in rotational basis and were not continuing in service those who were earlier engaged and that the Tribunal directed that this practice should be stopped and that in retrenchment the principle of last come first go should be adopted. The applicant who was not engaged after 1985 did not raise any



grievance for a decade. Therefore, the applicant does not have a subsisting cause of action. Hence, the OA is dismissed in limine on the ground of limitation. No costs.



(K. Ramamoorthy)  
Member(A)



(A.V. Haridasan)  
Vice-Chairman

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