

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.2017 of 1996

New Delhi, this the 2nd day of September, 1997.

Hon'ble Mr. N. Sahu, Member(A)
Hon'ble Dr. A.Vedavalli, Member(J)

Sh.Jaipal
S/o Sh.Jora Singh
R/o H.No.4174, G.Block,
Gali No.12
Sangam Vihar
New Delhi

...Applicants

(By Advocate : Sh.S.S.Tiwari)

Versus

Union of India : Through

1. The General Manager,
Northern Railway
Baroda House,
New Delhi
2. Asstt. Executive Engineer
(Northern Railway)
Delhi Division
Karnal

...Respondents

(By Advocate : Sh.R.L. Dhawan)

ORDER

Hon'ble Mr. N. Sahu, Member(A) -

The applicant worked as a Casual Labour for 27 days during December, 1983, 31 days during Jan.1984, 3 days during Feb.1984 and 74 days during August and September, 1988. He seeks reengagement and for this he is aggrieved against the inaction to his representation dated 15.03.1995 (whose receipt was denied by the respondents). Learned counsel for the applicant cites DB decisions in OA No.1978/96 dated 18.09.1996, OA No.1203/92 dated 6.8.1996, OA No.2712/92 dated 15.10.1993 and a Single Bench decision in OA No.1031/92 dated 11.03.1997. These decisions broadly state that there is an obligation on the part of Railway Administration to suo moto enrol

the name of a Casual Labourer if he has satisfied the conditions and that the applicant does not have to represent or remind if he is a post-1981 entrant. A representation to be made was directed to be considered and, in another, an inquiry in accordance with the Apex decision in Dhirender Singh and Others Vs. Union of India & Others dated 15.12.1994 in WP(Civil) No.262/94 was ordered. Applicant's counsel suggested that an order on the basis of the above may be issued in the present OA also. Rebutting the contention of limitation raised by the respondents in the counter, he relied on the Allahabad Bench decision in OA-1220/88 decided on 14.03.1989 and followed by the Principal Division Bench in OA No.2712/92 dated 15.10.1993. On the facts of those cases the Tribunal took the view that since in the eye of law the applicant before it continued to be borne on the Live Casual Labour Register, every time a casual labour other than him was re-employed, a cause of action accrued to him and therefore his petition cannot be thrown out on the ground of limitation.

2. The learned counsel for the respondents vehemently opposes each and every submission. He submits that this application should be thrown out both on the grounds of jurisdiction and limitation. The applicant worked at Kaithal in Haryana and he cannot invoke the Principal Bench's jurisdiction without an enabling permission to do so, which he admittedly did not obtain. Cause of action had arisen in 1988 and as per his own admission, he submitted a


representation (whose filing was not admitted) on 15.03.1995, 6-1/2 years later. He cited Ratan Chandra Samanta Vs. UOI (JT 1993(3) SC 418) and Harish Uppal Vs. UOI (SLJ 1994(2) SC 177) to advance his claim that delay defeats his claim to invoke the jurisdiction of this Court. The respondents denied that the applicant was ever borne in the Live Casual Labour Register. As he left the service on his own accord and not discharged because of completion of work, he is not liable for reengagement or for being placed in the Live Casual Labour Register. The most important point made by him was that as the applicant had put in only 135 days in all and that too in broken periods and after a long gap while Rule 179(xiii) of IREM(Vol.I) (1989 edition) requires a casual labour to render 180 days of service (even in broken periods) to qualify for placement in the Live Casual Labour Register, the applicant's case is totally devoid of any merit. For this he cited OA-727/96 dated 05.12.1996 and on the question of limitation, he cited OA-2364/92 and OA-1958/92.

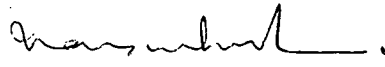
3. The delay involving the Tribunal's jurisdiction in the latter two OAs are exactly similar to the OA before me. Both on the question of limitation as well as on the ground that the applicant had not put in the requisite number of days to be eligible for enrolment in Live Casual Labour Register, the OA is bound to fail. The emphatic denial in the counter that the applicant was ever enrolled is conclusive and therefore, no exception be made from the sweep of limitation on that count. The cases

cited by the applicant are instances of long periods of service. The very fact that the applicant allegedly filed his representation after 6-1/2 years clearly establishes that he was never conscious of his rights to claim reengagement. This is clearly a case of unexplained delay unrelieved by any reasonable cause or excuse. Applicant's assertion that he came to know of others' engagement in 1995 and therefore he woke up to his claims is too thin to be believed and even if accepted confirms the dictum in the Supreme Court decisions cited above that a person who slept over his rights for long cannot seek to enforce a remedy.

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4. OA is dismissed without any order on costs.


(Dr.A. Vedavalli)
Member(J)


(N. SAHU)
Member(A)

/Kant/