

(11)

Central Administrative Tribunal
Principal Bench

O.A.No.2568/96
M.A.No.2550/96

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 7th day of October, 1997

1. Shri Karam Bir
s/o Shri Mange Ram
aged about 31 years
r/o Village & Post Marvana
(Mirda Patti Ward No.1)
Distt. Jind (Haryana).
 2. Shri Raj Pal
s/o Shri Bhajanlal
aged about 34 years
r/o Village Khanpur
Post Amargarh
Distt. Jind(Haryana).
(By Shri T.D.Yadav, Advocate) ... Applicants
- Vs.
1. Union of India through
General Manager
Northern Railway
Baroda House
New Delhi.
 2. Divisional Personnel Officer
DRM (Northern Railway)
Delhi Division
New Delhi Railway Station
New Delhi. ... Respondents
(By Shri R.L.Dhawan, Advocate)

O R D E R (Oral)

The applicants claim to have worked with the respondents, Railways for various periods during 1983 - 1985. They claim that as per the Scheme devised by the respondents their names have been included in the Live Casual Labour Register. Their grievance is that they have not been re-engaged in accordance with their seniority nor they have been considered for regularisation even though the persons juniors to them in the Live Casual Labour Register have been regularised by the respondents. They have now come before the Tribunal seeking a direction to re-engage them in preference to their juniors and outsiders/freshers.

2. The respondents in reply admit that the names of the applicants exist in the Live Casual Labour Register. They

or

however take the plea that the application is barred by limitation as the respondents had last engaged the applicants in 1985 and even the representation for re-engagement was filed in 1995 after a lapse of nearly 10 years.

3. I have heard the counsel on both sides. The learned counsel for the respondents cites the case of Jaipal Vs. General Manager, Northern Railway and Others, OA No.2012 of 1996 (CAT, Principal Bench) decided on 02.09.1997 in which it was held that delay in filing the representation and in coming to the Tribunal is bar to the consideration of their case. I have perused this order. In the case cited above, the names of the applicants were not found in the Live Casual Labour Register. However, in the present case, it is an admitted position that the applicants' names were included in the Live Casual Labour Register. Therefore, the ratio of the case cited by the learned counsel for the respondents does not apply here. The learned counsel for the respondents also points out that the applicants are not eligible for consideration for regularisation as they have not put in 120 days continued service.

4. On consideration of the case and the arguments advanced, I agree with the respondents that the applicants at this stage are not entitled to the regularisation of their services. However, as the names of the applicants exist in the Live Casual Labour Register they have a continuous cause of action and the plea of limitation would not be applicable. In the circumstances of the case, I dispose of the case with a direction that the respondents may consider them for re-engagement subject to availability of work in preference to their juniors and outsiders.

OA is disposed of as above. No costs.


(R. K. AHOCJA)
MEMBER(A)

/rao/