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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

HON. SHRI R.K. AHOOJA, MEMBER 'A'

O.A. NO. 962/1996

NEW DELHI, THIS 7th DAY OF MARCH 1997

1. RAJ KUMAR
S/o Sh. Ram Niwas
145-F, Railway Colony
Punjab Line
Ghaziabad
2. Shri Mani
S/o Sh. Veeraswami
Jhuggi No.328
Madrasi Colony
Jal Vihar, Lajpat Nagra
New Delhi
3. Shri Bhai Lal
S/o Ram Karan
Behind Kamraj Market Police Station
Ajmere Gate
Delhi
4. Raj Bali
S/o Budh Ram
House No.3866
Chooriwalan
Delhi
5. Shri Katiyan
S/o Sh. Narayan
Jhuggi No.124
Madrasi Colony
Jal Vihar, Lajpat Nagar
New Delhi
6. Shri Kuppan
S/o Sh. Mutiyan
Jhuggi No.170
Madrasi Colony
Jal Vihar, Lajpat Nagar
New Delhi
7. Shri Murghasan
S/o Sh. Suprayan
Jhuggi No.328
Madrasi Colony
Jal Vihar, Lajpat Nagar
New Delhi
8. Shri Mani
S/o Sewa Commander
Nizammudin
Near Railway Station
New Delhi.

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9. Shri Balbir Singh
S/o Sh. Desraj
38 Maliwara
Near Shiv Mandir
Thana Sihani Gate
Ghaziabad

...APPLICANTS

(By Advocate - Shri Anis Suhrawardy)

VERSUS

1. UNION OF INDIA, through
General Manager
Northern Railway
Headquarters Office
Baroda House
NEW DELHI
2. Divisional Railway Manager
Northern Railway
State Entry Road
NEW DELHI
3. Divisional Engineer
Northern Railway
State Entry Road
NEW DELHI
4. Senior Divisional Personnel Officer
Northern Railway
DRM Office
State Entry Road
NEW DELHI
5. Assistant Personnel Officer
Northern Railway
DRM Office
State Entry Road
NEW DELHI
6. A.E.N., Pqrs
Northern Railway
Ambala Cantt.
7. P.W.I. PQRS
Northern Railway
Ambala Cantt.

..RESPONDENTS

(By Advocate - Mrs. B. Sunita Rao)

ORDER

The applicants were initially appointed as Casual Labourers (C.L.) in the PQRS Unit of the Delhi Division and they claim that they had been continuously working as such

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for more than 10 years. The said Unit was temporarily shifted to Ambala for execution of track renewal in 1988. The applicants expected to be repatriated back to Delhi on completion of work in Ambala but instead, they allege that the respondents sought to transfer them to Doraha without fixation of their Headquarters at Delhi Division. They further state that the impugned action of the respondents led to the filing of O.A. No.1458/1990 before the Tribunal claiming, inter alia, that the applicants in that O.A. be regularised and made permanent and their lien and seniority should be fixed in the Delhi Division. Since the present applicants were similarly situated they filed an application for impleadment, but their names were not taken on record. Later a Contempt Petition was filed before this Tribunal for non-implementation of the orders in OA 1458/90, in which the present applicants were petitioners, but as they had not been impleaded as parties, no relief was given. It is stated ~~that~~, however, ~~that~~ the Tribunal granted them liberty to seek appropriate remedy as may be available under the law. It is in this background that the applicants have filed the preent O.A. seeking extension of the reliefs granted by the Tribunal to similarly situated applicants in that O.A. No.1458/90.

2. The respondents in their reply statement have raised a preliminary objection that the O.A. is time barred. The absorption of C.L.s and regular group 'D' employees is not automatic but is subject to availability of vacancies and eligibility of individual C.L. The PQRS Unit is a temporary project for track renewal and the same is shifted in accordance with requirements.

3. I have heard the ld. counsel on both sides. As regards the question of limitation, Shri Anis Surhawardy, ld. counsel for the applicants, points out that the applicants had originally sought impleadment in O.A. 1458/90 which was

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disposed by order dated 30.10.1990. Since, unfortunately no impleadment was done, they tried to join those applicants in the subsequent C.P. It is also submitted that the present applicants could not reach Delhi in time to join their colleagues in O.A. 1458/90 and since they had sought impleadment, they could not pursue their case separately. He also claimed that liberty had been granted at the time of Contempt proceedings and hence this present O.A. being the outcome of that liberty, there is no question of any limitation.

4. I have perused the records of O.A. No.1458/90. There is an application for impleadment by the present applicants though no orders on that are seen. While this may explain the delay on the part of the applicants here in not pressing their case properly, the fact remains that they were not a party nor any direction or liberty was given in the subsequent C.P., which would remove the bar of limitation if applicable. ^{or} However, non-regularisation of the present applicants being a continuous cause, the present O.A. is not time barred, even though the relief which may be granted, in case the O.A. succeeds, has to be moulded keeping in view the delay and laches in approaching the Tribunal for relief.

5. Admittedly, the O.A. 1458/90 was filed by persons similarly situated who were working in the PPS organisation, who had been transferred to Ambala Division and had then been sought to be transferred to Doraha just as the present applicants. The said O.A. was disposed of with the following directions:-

"All the applicants who have not already been screened should be screened in Delhi Division according to the vacancies available in that Division and the remaining in the Ambala Division according to the vacancies available there. Once

they are screened and found fit, they should be regularised against the vacancies in Delhi and Ambala Divisions and then given all facilities as admissible to normal railway employees. The question of paying any arrear TA/DA in the case of casual workers not already regularised does not arise. We direct that the work of screening and regularisation should be completed within three months. The respondents are free to utilise the services of the applicants anywhere according to the needs of PQRS Unit."

6. I have heard the ld. counsel on both sides and having gone through the pleadings on record also, I consider that the present applicants are also entitled to similar reliefs. I accordingly disposed of this O.A. with the same directions as given in O.A. 1458/90 'quoted above'. No costs.

R.K. Ahooja
(R.K. AHOOJA)
MEMBER (A)

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