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Central Administrative Tribunal  
Principal Bench

O.A.No.1056/97

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

New Delhi, this the 15th day of April, 1999

Shri Pramod Kumar  
s/o Shri Tika Ram Sharma  
Ex. Shunting Porter  
under Station Master  
Noli  
r/o Village & P.O. Bahadurgarh  
Distt.  
Ghaziabad. .... Applicant  
(By Shri B.S.Mainee, Advocate)

Vs.

Union of India through

1. The General Manager  
Northern Railway  
Baroda House  
New Delhi.
2. The Divisional Railway Manager  
Northern Railway  
State Entry Road  
New Delhi. .... Respondents  
(By Mrs. B.Sunita Rao, through Shri R.K.Shukla, Advocate)

O R D E R (Oral)

The applicant claims that he worked as Casual Labour on daily wages for about 700 days between 20.1.1979 and 2.4.1981. His last engagement was a substitute Shunting Porter from 21.6.1980 to 2.4.1981. He submits that his services were terminated thereafter on the ground of no work. His grievance is that despite the instructions issued on 28.8.1987, all those casual labourers discharged on or after 1.1.1981 their names should be placed in the Live Casual Labour Register automatically without any representation made by them but this benefit has been denied to him.

2. He submits that he made a representation in the year 1988 followed by many reminders but no action has been taken by the respondents. A Miscellaneous Application for condonation of delay has also been filed.

3. The respondents were issued a notice and given repeated opportunities to file reply. However, the learned proxy counsel for the respondents has been heard today. The contention taken on behalf of the respondents before me is that the case of the applicant is completely time barred as he was last engaged in 1981 and the present OA has been filed in 1997, i.e., nearly after 16 years. It has already been held by this Bench in OA No. 1076/92 that since the casual employee discharged after 1.1.1981, for want of work, has a right to have his name placed in the Live Casual Labour Register and to be offered re-engagement, if work is available, as per his seniority, he has a recurring cause of action every time his junior is given re-engagement ignoring his claim. However the relief to be granted in his case has to be modulated in terms of the time frame in which he has approached this Tribunal. Since there is no other point raised by the respondents, the OA is allowed. The respondents are directed to include the name of the applicant in the Live Casual Labour Register of the concerned Division and to offer him re-engagement in terms of the seniority in the Live Casual Labour Register. However, it is made clear that the applicant <sup>whose name</sup> will have no preferential claim over such juniors, <sup>do</sup> in the meantime, have been placed on the Live Casual Labour Register and who have already been offered re-engagement and regularisation. No order as to costs.

*R.K.Ahooja*  
(R.K.Ahooja)  
Member(A)

/rao/