

Central Administrative Tribunal
Principal Bench

O.A.1079/97

New Delhi this the 7th day of December, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J).

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1. Shri Chait Ram
s/o Shri Narain
Village Machharya
P.O. Machharya
Distt. Moradabad.
2. Shri Tej Pal
s/o Shri Baboo Ram
Village Khandouwa
P.O. Bilari
Distt. Moradabad.
3. Shri Lal Singh
s/o Shri Net Ram Singh
Near Putli Ghar,
Front Gate, Line Par,
Moradabad.
4. Shri Chhotey Lal
s/o Shri Battoo Lal
Village Mustababad,
Teh. Bilari, Distt. Moradabad.
5. Shri Ram Kishore
s/o Shri Jaggo,
Near Ram Leela Ground
Kundan Pur, Line Par,
P.O. Pawar House,
Distt. Moradabad.
6. Shri Gurmeet Singh
s/o Shri Harbhajan Singh,
Railway Quarter No. H-319/B,
Railway Hartala Colony,
Moradabad.
7. Shri Kishan Pal
s/o Shri Tola Ram
Village Kharouwa
P.O. Bilari
Distt. Moradabad.

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8. Shri Harbansa
s/o Shri Mukhwa
Village Sherpur Vasi
P.O. Dhauti (Bachharaon)
Teh. Dhauora Mandi
Distt. Moradabad.
 9. Satish
S/o Raja Ram
Vill. Khushal Pur
P.O. Majhola Distt- Moradabad.
 10. Shri Dinesh Chand.
s/o Shri Parkash Chand
Rly. Herthala Crossing
Q. No. H-86 B,
Moradabad.
 11. Shri Hari Om,
s/o Shri Naumhoo,
Mohll. Bara Dari Near Ziarat,
H.No. 85/A 11,
Moradabad 244 001.
 12. Shri Kailash Chander,
s/o Sri Naumhoo
H.No. 85/A 11,
Near Ziarat, Baradari,
Moradabad 244 001.
 13. Shri Mukesh Kumar
s/o Shri Raja Ram Sharma
Village Rohta, P.O. Rohta,
Distt. Meerut
Near Dr. Jagdish Kepasswata Gaur
 14. Shri Naresh Kumar
s/o Shri Teeka Ram
Village Kalayanpur
P.O. Farid Nagar
Moradabad 244 601.
 15. Shri Parmod Kumar
s/o Shri Bhookeen Lal
Village Kalyanpur,
P.O. Faridnagar,
Moradabad 244 601.
 16. Shri Khajan Singh
s/o Shri Tita Singh
Vill. Daulatpur
P.O. Rajgopur,
Teh. Hasampur, Moradabad.
- Ys.

17. Shri Brijesh Kumar Sharma
s/o Shri Teoka Ram Sharma
Q. No. 310 B, Rly. Herthala Colony,
Moradabad.
18. Shri Kailash Chand,
s/o Shri Man Singh
Vill. Lakri Fazalpur,
Post Lakri, Moradabad.
19. Shri Vinod Kumar Sharma
s/o Shri Satya Pal Sharma
Vill. Seemly, P.O. Loksar,
Distt. Herdwari.
20. Shri Yog Raj Sharma
s/o Shri Satya Deo Sharma
Vill. Chaver, P.C. Malakpur Saimly,
Distt. Moradabad.
21. Shri Jai Prakash,
s/o Shri Dalpat Singh
Vill. Dainath Pur,
P.O. Agwanpur, Moradabad.
22. Shri Ram Swaroop,
s/o Shri Jhabery Singh
Vill. & P.C. Mohanpur
Teh. Najibabad, Distt. Bijnore.
23. Shri Bharat Singh
s/o Shri Chokhey Singh
Vill. Madha Taiya, P.O. Madho Taiya,
Distt. Moradabad 244 502.
24. Shri Rakesh Baboo
s/o Shri Shiv Lal
R.P.F. Hartala Colony,
Qtr. No. 304B, Moradabad.
25. Shri Raja Ram
s/o Shri Dori Lal,
C/O Chauhan Cement Store,
Near Shiv Mandir,
Chau Ki Basti, Line Par,
Moradabad 244 001.
26. Shri Harbans Singh
s/o Sd. Duleep Singh
C/O Guru Nanak Flour Mill,
Delhi Road, Moradabad.
27. Shri Akhtar
s/o Shri Pearey Khan
Near PAC, Fakirpura,
Moradabad.

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28. Shri Suraj Pal Singh
s/o Shri Baboo Singh
Village Khushalpur,
P.O. Majhola
Moradabad 244 103.
29. Shri Jagat Singh
s/o Shri Baboo Singh
Village Khushalpur,
P.O. Majhola
Moradabad 244 103.
30. Shri Jaber Singh
s/o Shri Madan Singh
Village Khushalpur,
P.O. Majhola
Moradabad 244 103.
31. Shri Bhoop Singh
s/o Shri Ram Dass,
Village Khushalpur,
P.O. Majhola
Moradabad 244 103.
32. Shri Jaspal Singh
s/o Shri Lalloo Singh
Village Khushalpur
P.O. Majhola
Moradabad 244 103.
33. Shri Chandra Bhan Singh
s/o Shri Reeva Singh
Village Khushalpur
P.O. Majhola
Moradabad 244 103.
34. Shri Jai Pal
s/o Shri Ram Charan
Rly. Qr. No. C&W 3/6,
Line Par Gus Ghar,
Moradabad 244 001.
35. Shri Ram Pal Singh
s/o Shri Ganga Sahai
Village Dan Sahai Ki Milak
(Shahpur tigree)
P.O. Moradabad
Distt. Moradabad.
36. Shri Ajai Dutt Mishra
s/o Shri Ram Dutt Mishra
C/O Dr. B.P. Gupta (Homeopath)
Madan Moh-Chauraha Gali,
Moradabad 244 001.

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37. Shri Chaturbhoj
S/o Sh. Kachieroo Singh
C/o Sh. Jai Pal Singh
Khushalpur, P.O. Majhola,
Moradabad.
38. Shri Kunwal Pal Singh
S/o Sh. Soren Singh Khushalpur, P.O. Majhola
P.O. Majhola Moradabad.
39. Sh. Raja Ram
S/o Shri Ram Prasad
Khushalpur. P.O. Majhola
Moradabad.
40. Sh. Manphool Singh
S/o Sh. Lal Man
Khushalpur P.O. Kajhola
Moradabad.
41. Nasim Ahmed
S/o Sh. Rahim Bux
Moh. Sadat Parvi
P.O. Kundan Ki Moradabad
42. Pan Singh
S/o Baboo Ram
Sarai Sikandra P.O.
Narauli Distt. Moradabad
43. Vijay Pal Singh
S/o Sh. J.P. Singh
Khushalpur P.O. Majhola
Moradabad.
44. Suresh Kumar
S/o Sh. Ganeshi Lal
Moh. ^SDurgesh Nagar H.MO. 775.
Near Chauhan Press, Double
Phatak Moradabad.

... Applicants

(By Advocate Shri S.M.Garg)

1. Union of India
through the Secretary
Ministry of Railways
Rail Bhawan New Delhi
2. General Manager
Northern Railway
Baroda House New Delhi
3. Divisional Rail Manager
Northern Railway
Moradabad Division Moradabad
Uttar Pradesh.

.... Respondents

(By Advocate Shri P.S. Mahendru)

ORDER (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

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This application had been originally filed by 44 applicants against the respondents, praying for reliefs as set out in paragraph 8 of the O.A. The O.A. was filed on 29.4.1997. Shri S.M. Garg, learned counsel for the applicants has submitted that at present only 16 applicants out of the 44 are interested in pursuing the matter, list of which, he states, will be furnished by him by 8.12.2000. He has orally mentioned that these applicants are at Serial Nos. 1,6,8,9,10,13,17,22,30,31,32,33,37,38,40 and 41.

2. Learned counsel for the applicants states that originally the 44 applicants in the O.A. had filed a Writ Petition before the Hon'ble Supreme Court being Writ Petition (Civil) No. 84/97 which was withdrawn by them by order dated 3.3.1997. He states that this was withdrawn because they had submitted before the Apex Court that they would approach the Tribunal, giving particulars of each workman claiming the reliefs they have prayed for in the present O.A. He has also relied on the judgement of the Hon'ble Supreme Court in *Dhirender Singh & Ors. Vs. Union of India & Ors.* (WP (Civil) No. 262/94) in which a reference has also been made to the case of *Inder Pal Yadav Vs. Union of India* (WP Nos. 147, 320-369, 454 and 4335-4434/83) which was decided on 18.4.1985. A perusal of the reliefs prayed for in Paragraph 8 shows that the main claim of the present 16 applicants, who are alone interested in pursuing the matter, is for a direction or order to the respondents, in terms of the order passed by the Supreme Court dated 15.12.1994 in *Dhirender Singh's case* (supra). In that case, a direction was given by the Supreme Court to

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the Railway Administration to appoint a high ranking officer who will scrutinise the claim of the petitioners and pass a speaking order whether or not they are entitled to the benefits under the Scheme prepared by the respondents, following the judgement of the Apex Court in Inder Pal Yadav's case (supra).

3. In the reply filed by the respondents, they have taken a preliminary objection that this O.A. is highly belated and barred by limitation. This ground has also been pressed by Shri P.S. Mahendru, learned counsel. However, Shri S.M. Garg, learned counsel submits that in view of the fact that the applicants had filed the aforesaid Writ Petition before the Supreme Court, which was later withdrawn by the Court's order dated 3.3.1997 and soon after that the O.A. has been filed on 29.4.1997, there is no bar of limitation. Learned counsel has also relied on the order of the Delhi High Court dated 23.8.1999 in Shish Pal Singh & Ors. Vs. Union of India & Anr. (copy placed on record). On the other hand, Shri P.S. Mahendru, learned counsel has submitted that the order of the High Court dated 23.8.1999 in Shish Pal Singh's case is a consent order as the learned counsel for the respondents had stated that he does not want to file any reply nor has any objection if the case is remanded to the Tribunal. Therefore, learned counsel for the respondents has urged that it should not be taken that the plea of limitation will not apply in all such cases. He has relied on the recent Full Bench judgement of the Tribunal in Mahabir Vs. Union of India & Ors. (OA 706/96 with connected cases) decided on 10.5.2000. In that case, the Full Bench has decided that in applications filed by other casual labourers who are similarly situated as the applicants in the present case, ~~it is not noticed that~~ the

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it is noticed that claims were barred by limitation. In the present case, the applicants themselves have stated that they have worked with the respondents as casual workers for various dates from 1980 and 1983.

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4. Taking into account the facts and circumstances of the present case and the aforesaid judgement relied upon by the learned counsel for the applicants, I find merit in the contention of Shri P.S. Mahendru, learned counsel that this O.A. is barred by limitation. In Shish Pal Singh's case (supra), learned counsel for the applicants has stressed that the High Court had stated that the cause of action is a continuous one. In this order, it is mentioned that in 1987-88, juniors to the petitioner were engaged but he was left out. It is then that he realised that his name had not been entered in the Live Casual Labour Register and, therefore, not given any engagement. It was in the context of the facts of the case that the cause of action accrued to him in 1987-88 and it was further held that even otherwise the cause of action is a continuous one. In the present case, none of the applicants have made any specific averments in the O.A. that any of their juniors have been appointed by the respondents, immediately prior to the filing of the application or even of the Writ Petition before the Supreme Court which was disposed of by order dated 3.3.1997. The reliance placed by the applicants on Dhirender Singh's case (supra) ~~will~~ also not help them as that order is dated 15.12.1994. Another case relied upon by the learned counsel for the applicants is OA 1203/92 which was disposed of by the Tribunal's order dated 6.8.1996 (Annexure VIII). None of these cases would assist the applicants to get over the bar of limitation as provided under the provisions of Section 21 of the Administrative

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Tribunals Act, 1985. It is well settled that the applicants cannot get a fresh cause of action merely based on prior judgements obtained by other applicants in what they allege are similar situations. If any authorities are needed to support this proposition, they are the judgements of the Supreme Court in Bhoop Singh Vs. Union of India & Ors. (JT 1992(3)SC 322), State of Punjab Vs. Gurdev Singh (1991(4) SCC 1) and R.C. Sammanta and Ors. Vs. Union of India & Ors. (JT 1993(3) SC 418). The Supreme Court order dated 3.3.1997 has been passed on the submissions made by the petitioners that they would like to withdraw the petition to pursue their remedies in the Tribunal, but this order cannot be taken as giving a fresh cause of action to the applicants or to waive the bar of limitation which is otherwise applicable to the facts of the case. 5/10

5. In the facts and circumstances of the case and taking into account also the judgement of Full Bench of the Tribunal in Mahabir's case (supra), the preliminary objection taken by the respondents on the ground of limitation is sustained. Accordingly, the O.A. is liable to be dismissed on this ground alone.

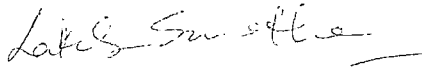
6. In the reply filed to MA 1161/97, which is an application filed by the applicants seeking permission to file a joint application, the respondents have submitted that as the applicants are not similarly placed, they are not entitled to the benefits of the Scheme framed consequent to the judgement of the Supreme Court in Inder Pal Yadav's case (supra). These averments have not been specifically controverted by the applicants in the rejoinder. During the course of arguments, Shri S.M. Garg, learned counsel has submitted that all the applicants are not interested in

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pursuing the reliefs and only 16 of them, as per the revised list, are pressing the reliefs. In the circumstances, MA 161/97 on behalf of the original 44 applicants is not maintainable and is accordingly dismissed.

7. Notwithstanding what has been stated above, from the reply filed by the respondents dated 24.12.1999, it is seen that two applicants, namely, applicants^{at} (Nos. 11 and 24 have been placed in the Live Casual Labour Register at Serial Nos. 192 and 224 respectively. Therefore, in the case of these two applicants, the respondents shall not take further action to remove their names from the LCLR so as to deprive them of the otherwise benefits accrued to them in terms of the relevant rules and instructions.

8. In the result, for the reasons given above, the O.A. fails and is dismissed, subject to the observations made in paragraph 7 above. No order as to costs.


(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'