

Central Administrative Tribunal
Principal Bench

O.A.No.1606/97

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

New Delhi, this the 29 day of May, 1998

1. Raj Kumar
s/o Shri Gugan
2. Parbhati Lal
s/o Shri Gopi Ram
3. Mange Ram
s/o Shri Anwar
4. Mahabir
s/o Shri Bhanwar Lal
5. Rajinder Singh
s/o Shri Mai Lal

r/o C/o 'Gaur Bhawan, Gali No.40
Sadh Nagar, New Delhi - 45.

... Applicants

(By Shri Yogesh Sharma, Advocate)

Vs.

1. Union of India through
The General Manager
Northern Railway
Baroda House
New Delhi.
2. The Divisional Railway Manager
Northern Railway
Bikaner Division
Bikaner.

... Respondents

(By Shri R.L.Dhawan, Advocate)

O R D E R

The applicants, five in number, claim that they were engaged as casual labour in the year 1984 along with more than 100 casual labour and posted under PWI, Charkhi Dadri. All such casual labourers were disengaged after January, 1985 on completion of work. They submit that certain persons similarly situated and having lessor length of service came before this Tribunal in OA No.863/94, decided on 2.5.1994 and in OA No.2762/92, decided on 10.12.1994 and on the basis of the

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instructions given their names have been included in the Live Casual Labour Register and they have been offered re-engagement. On that basis the applicants also pray for a similar relief.

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2. The respondents in reply have raised an objection that the application is barred by limitation as the applicants have approached this Tribunal in 1997, even though their cause of action had arisen in 1984 and 1985. They also say that the initial engagement of the applicants in 1984 was against the instructions of the Railway Board and therefore void ab-initio.

3. I have heard the counsel on both sides. The learned counsel for the applicant has also cited the decision of this Tribunal in OA No.1821/96 (Shri Bharat Singh Vs. Union of India & Others) and OA No.1878/96 (Shri Nanad & Others Vs. Union of India & Others) wherein in similar circumstances directions had been given by this very Bench to the respondents to include the applicants' names in the Live Casual Labour Register. On the other hand, the learned counsel for the respondents has relied on Ratam Chandra Samantha & Others Vs. Union of India & Others, JT 1993 (3) SC 418 and P.K.Ramchandran Vs. State of Kerala, JT 1997(8) SC 189, wherein it was said that law of limitation has to be applied rigorously whenever there has been inordinate delay. He has also cited the judgment of this Tribunal in OA No.1540/97, Shri Dal Chand Vs. Union of India & Others (OA No.1540/97) and Subey Singh Vs. Union of India & Others (OA No.727/96) in which the relief was denied on the ground of limitation.

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4. I have considered the matter carefully. Ordinarily limitation prescribed has to be applied rigorously. The circumstances of the present case are however different as the respondents themselves have decided that in case of casual labour engaged after 1.1.1981 if discharged after completion of work the concerned railway authorities will have to keep their names in the Live Casual Labour Register and offer re-engagement on the available vacancy in accordance with their seniority in the said register. This is not to be done in respect of those who left the work on their own accord. Thus where the applicants did not seek the inclusion of their names on the Live Casual Labour Register, for a number of years, and the stand of the respondents was that it was because the applicants had left the work on their own accord then the delay was taken to be indicative that the stand of the respondents was correct. However, in respect of those who were engaged by the respondents at Charkhi Dadri in 1984 and 1985 it had been established that all the casual labourers had been discharged on completion of work which was for security patrolling of railway lines. This being so, the discharge of the applicants was patently on account of completion of work and the responsibility for maintaining their names in the Live Casual Labour Register remained on the respondents. It was on that basis that the relief was given in OA No.1878/96 and OA No.1821/96. I therefore feel that the decisions in these two OAs are squarely applicable to the present case.

5. Accordingly, this OA also succeeds. Respondents are directed to include the name of the applicants in the Live Casual Labour Register and consider them for

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re-engagement against future vacancies in preference to
their juniors and outsiders in terms of the circulars
dated 11.9.1986 and 28.8.1987 issued by the Railway
Board.

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The OA is disposed of as above. No costs.

~~R.K. Ahuja~~
(R.K. Ahuja)
Member(A)

/rao/