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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O A No. 1940/97

New Delhi: this the 6th day of August, 1998.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A)

Radhey Shyam,
S/o Shri Bhokan Saran,
Ex. Khallasi under
Inspector of Works,
Northern Railway,
Chandausi.

2. Iqbal Ahmad,
S/o Ahmad Bux, Ex. Khallai,
Under IO W, Chandausi.

3. Chander Sain,
S/o Shri Chokhey Lal,
Ex. Khallasi under IO W,
Training School, Chandausi,

4. Ramesh,
S/o Shri Nanhey Ram,
Ex. Khallasi, under IO W,
Chandausi.

5. Tejpal Singh,
S/o Shri Amar Chand,
Ex. Hot Weather Waterman,
Rly. Station Northern Railway,
Sambhal Hatim Sarai,
Moradabad.

All the applicants are r/o Gautam
Nagar Jhuggis, Behind AIIMS., Ring
Road, New Delhi.

.... Applicants.

(By Advocate: Shri G. D. Bhandari)

Versus

Union of India through,
1. The General Manager,
Northern Railway Baroda House,
New Delhi.

2. Divisional Railway Manager,
Northern Railway,
Moradabad.

..... Respondents.

(By Advocate: Shri R. P. Agarwal)

JUDGMENT

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicants who claim to belong to SC
and minority community, seek regularisation against
Group 'D' post after screening, in preference

to juniors and outsiders as per entries in Live Casual Labour Register with all consequential benefits.

2. I have heard applicants' counsel Shri Bhandari and respondents' counsel Shri Agarwal .

3. Respondents do not deny that applicants 1 and 2 are already on LCL register and state that they will be considered for regularisation as per seniority. This statement is unexceptionable and Shri Bhandari has not produced any rule/instruction on the basis of which persons belonging to SC/ Minority community whose names are on LCL Register can be regularised without regard to seniority.

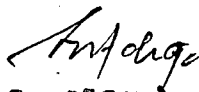
4. In so far as applicant No.3 is concerned, in para 4.4. of OA it is stated that he worked for only 96 days and that also in different spells from 15.5.83 to 18.8.83, while Applicant No.4 worked from 11.8.77 to 15.3.78 for a total of 120 days. In regard to applicant No.5, he worked for 40 days from 2.5.85 to 8.7.85 as per the certificate filed by him dated 8.7.85 at page 25 of the OA.

5. Respondents have stated that names of Applicants No.3, 4 and 5 are not included in LCL Register. They contend that applicants No.3, 4 and 5 should have taken proper steps for inclusion in LCL Register in 1987 itself as per respondents' Circular dated 28.8.87 (annexure-R1) and as their cause of action arose in 1987 itself, their claim for inclusion in LCL Register by this OA filed in 1997 is grossly time barred and hit by limitation under sec.21 AT Act.

6. I have no reason to disbelieve respondents' contention that names of applicants No.3, 4 and 5 do not find place in the L C L Register, and the judgment dated 16.4.98 in O A No.1398/97 Balbir Singh Vs. UOI & Ors. cited by Shri Bhandari does not advance the claims of Applicants No.3, 4 and 5 because unlike them, the name of the aforementioned Shri Balbir Singh was included in the L C L Register and hence they are not similarly situated like him.

7. Applicants No.3, 4 and 5 cannot approach the Tribunal after 10 years and seek regularisation on the basis of entries in the L C L Register when their names do not even appear in the same. In fact they are not similarly situated like applicants Nos. 1 and 2 and their joining together with Applicants No.1 and 2 is itself misconceived.

8. Under the circumstance, barring the claims for regularisation of Applicants No.1 and 2 above, which respondents themselves state will be considered in accordance with their seniority in the L C L Register, the claims of Applicants No.3, 4 and 5 are dismissed. No costs.


(S. R. ADIGE)
VICE CHAIRMAN (A).

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