

Central Administrative Tribunal
Principal Bench

O.A. No. 2238 of 1997

New Delhi, dated this the 19th November, 1998

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

S/Shri

1. Gulab,
S/o Shri Ram Lal,
R/o B/88, Ganga Vihar,
Gokul Puri, Delhi.
2. Gopinder Prasad,
S/o Shri Basdev Singh,
R/o Bagichi Near Shalimar Cinema,
Ashram, New Delhi.
3. Nageshwar,
S/o Shri Kishan Singh,
R/o Bagichi, Near Shalimar Cinema,
Ashram, New Delhi.
4. Madan Lal,
S/o Shri Surja Ram,
R/o Block 33/5, Tirlok Puri,
New Delhi.
5. Ram Kishan,
S/o Shri Mangal Singh,
R/o B Block, 88, Gangavihar,
Gokul Puri, Delhi.
6. Milap Chand,
S/o Shri Rasila Ram,
R/o C/o Shri O.S. Rana,
183/5, Railway Colony,
Delhi Kishan Ganj.
7. Hari Kishan,
S/o Shri Gurdial Singh,
R/o Sunder Puri, Ghaziabad.
8. Ganga Ram,
S/o Shri Bhauri Ram,
R/o Bagichi, Near Shalimar Cinema,
Ashram, New Delhi. Applicants

(By Advocate: Shri H.K. Gangwani)

Versus

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 Advocate: Shri O.P. Kshatriya)

ORDER

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

(16)

Applicants pray for inclusion in Live Casual Labourer Register (LCL Register) and reengagement in preference to juniors and outsiders with consequential benefits.

2. I have heard both sides.

3. As per applicants' own showing (Para 4.1 of O.A.) all but one of the 8 applicants were engaged and thereafter disengaged prior to 1.1.81. Applicants 1 to 4 filed O.A. No. 602/97 for inclusion of their names in LCL Register and reengagement. The Tribunal disposed of that O.A. by order dated 18.3.97 directing respondents to consider applicants' representation and dispose of the same within two months by a speaking order. Respondents communicated their decision to applicants vide order dated 25.7.97 (Ann. A-1). This is a speaking order and is fully in consonance with respondents' circular dated 20.8.87 (Ann. A-2) requiring casual labourers disengaged prior to 1.1.87 to represent for inclusion in LCL Register by 31.3.87. In fact by order dated 25.7.97 the time mentioned for representation had been extended still further, that is upto 31.12.88, but applicants 1 to 4 had not represented for inclusion in LCL Register even during the extended period. The case of applicants 1 to 4 who have approached the Tribunal nearly 20 years after engagement is therefore squarely hit by the contents of

respondents circular dated 20.8.88, limitation and laches and by the Hon'ble Supreme Court's ruling in Samanta's case AIR 1993 SC 2276 rendering them ineligible for inclusion in the LCL Register, more so as they have not produced any documents to establish that they were disengaged for lack of work and did not leave of their own accord.

(7)

4. Likewise applicant No.5, who had filed O.A. No. 304/97 in the implementation of whose decision respondents issued letter dated 29.8.97 suffers from the same infirmities as noticed in the cases of applicants 1 to 4 above.

5. Likewise the claim of respondents 6 and 8 suffers from the same infirmities as noticed in the respect of applicants 1 to 4 above.

6. That leaves applicant No. 7. As per applicants own O.A. he has worked for only 30 days from 15.5.84 to 14.6.84. No document has been shown to support his contention that he was disengaged and did not leave of his own accord. Nothing has been shown to suggest that he represented to the authorities at any time for reengagement prior to approaching the Tribunal through this O.A. This O.A. itself has been filed over 13 years after applicant left service. His case is also therefore squarely hit by limitation.

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7. Applicants' counsel has relied upon the Hon'ble Supreme Court's order dated 15.12.94 in WP No. 262/94 Dhirender Singh Vs. UOI & Ors. (Ann. P-7), but that was in the nature of a consent order, in which respondents had stated that they would have no objection in granting those applicants the benefits if they could establish that they had in fact completed the required period of service. Hence that judgment is not applicable in the present case. Reliance has also been placed on the judgment dated 1.2.93 in O.A. No. 2339/91 Shri Satyabir & Ors. Vs. UOI & Ors., but that judgment makes no mention of respondents' circular dated 20.8.88. Reliance has also been placed on the order dated 16.11.95 in O.A. No. 859/95 Vishal Mani Vs. G.M. Northern Railway & Ors. but that was the case of a bungalow peon/waterman, and moreover it also does not make any mention of respondents' circular dated 20.8.88. Other judgment relied upon includes the O.M. dated 2.2.98 in O.A. No. 2673/96 Rajender Singh Vs. UOI but then the applicant put in service from 1977 to 1989; O.A. No. 1398/97 Balbir Singh Vs. UOI & Ors. decided on 16.4.98 in which applicant worked from 20.10.77 to 14.7.84 and was placed in the LCL Register at Sl. No.16 in 1984; as well as O.A. No. 1661/97 Ramesh Chandra Vs. UOI & Ors. decided on 15.5.98 in which applicant is noticed to have rendered as many as 634 days casual service. Clearly those cases are distinguishable on points

(18)

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of fact and circumstances from the present case and hence the judgment do not help the present applicants.

(19)

8. In the result the O.A. warrants no interference. It is dismissed. No costs.

Antonio
(S. R. Adige)
Vice Chairman (A)

/GK/