

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(PA)

OA-2807/97
MA-2836/97

New Delhi this the 15th day of September, 1998.

Hon'ble Shri S.P. Biswas, Member(A)

1. Sh. Vijay Mohan,
S/o Sh. Bhim Singh,
AT/PO Gali No.3,
Sri Krishan Colony,
Chander Nagar,
Moradabad.
2. Sh. Ram Bahadur Singh(SC),
S/o Sh. Rampal Singh,
AT/PO Khusialpur,
Mojola,
Moradabad.
3. Sh. Rajeev Singh(SC),
S/o Sh. Ram Gopal,
AT/PO Khusialpur,
Via: Sadapur Tigri,
Moradabad.
4. Sh. Raja Ram,
S/o Sh. Ram Prasad,
AT/PO Khusialpur,
Moradabad.
5. Sh. Amin,
S/o Sh. Masita,
Vill. Telipur Mafi,
PO:Khas,
Tehsil:Amroha,
Moradabad.
6. Sh. Mangal Sen,
S/o Sh. Shobka Ram,
C/o Sh. Banvari Lal Sagar,
Q.No.291/2, Line Par,
Moradabad.
7. Sh. Jaspal Singh(SC),
S/o Sh. Ram Charan,
AT/PO"Majori",
Moradabad. Applicants

(through Sh. K.K. Patel, advocate)

versus

1. Union of India,
through Secretary,
Railway Board,
Rail Bhawan,
New Delhi.

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2. The General Manager,
Northern Railway,
Baroda House,
New Delhi.

3. The Divl. Railway Manager,
Moradabad Division,
Northern Railway,
Moradabad. Respondents

(through Sh. P.S. Mahendru, advocate)

ORDER

The applicants, seven in number, are aggrieved by the respondents' inaction in not utilising their services and at the same time engaging fresh casual labourers from the open market. Shri K.K. Patel, learned counsel for the applicants would submit that the applicants No. 1 to 3 were engaged in 1986 whereas others were engaged thereafter. Applicants No. 1, 5 & 6 are included in the Live Casual Labour Register. The only grievance the applicants have is that freshers are being appointed ignoring their superior claims in contravention of Railway Board's instructions on the subject.

2. Shri P.S. Mahendru, learned counsel for the respondents would submit that the case is not maintainable on account of:-

(i) Jurisdiction since the applicants can legitimately approach Allahabad Bench of this Tribunal;

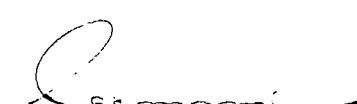
(19)

(ii) Limitation in terms of filing this O.A.

It has been filed in 1996 whereas the cause of action arose in 1987. The learned counsel submits that the Apex Court in a chain of decisions have highlighted that such belated applications should not be entertained.

3. Heard rival contentions of counsel for both the parties. We find that the applicants were originally engaged at the time of Khumbh Mela and thereafter only working intermittently. They have not even been conferred with temporary status in terms of the Scheme laid down by the respondents Railways. The applicants have also made several representations which remain undisposed of till date.

4. In the circumstances aforesaid, we consider it appropriate to direct the applicants to make a fresh comprehensive representations setting out their individual grievances to the respondents. If they choose to do so within a month's time, the respondents shall consider the same on merits within a period of two months after the receipt of those representations and communicate the decision to the applicants. We make it clear that we have not expressed any view on the issue of limitation or jurisdiction. The O.A. is disposed of as aforesaid. No costs.


(S.P. Biswas),
Member(A)