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Central Administrative Tribunal
Principal Bench

O.A.No.898/97

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

New Delhi, this the 6th day of March, 1998

1. Shri Madan Maurari
s/o Shri Tooti
Ex. Casual Labour
c/o Shri Kalyan Singh
House No.220 E Block
Nand Nagri,
New Delhi.

2. Shri Phool Singh
s/o Shri Rattan Lal
Ex. Casual Labour
c/o Shri Kalyan Singh
House No.220 E Block
Nand Nagri,
New Delhi.

3. Shri Panmasuary
s/o Shri Shiv Lal
Ex. Casual Labour
c/o Shri Kalyan Singh
House No.220 E Block
Nand Nagri,
New Delhi.

... Applicants

(By Shri B.S.Mainee, Advocate)

Vs.

1. The General Manager
North Eastern Railway
Gorakhpur.

2. The Divisional Railway Manager
North Eastern Railway
Izatnagar.

... Respondents

(By Shri P.S.Mahendru, Advocate)

O R D E R

The applicants, three in number, claim that they have been engaged as Casual Labour under PWI, Budaun and Mathura Cantt., Mathura between 1977 - 1988. Their grievance is that their names have not been included in the Live Casual Labour Register (in short LCLR) and they have not been either re-engaged or regularised in accordance with their seniority.

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2. The respondents in reply have stated that the name of Applicant No.1, Shri Madan Maurari exists on LCLR. However his number has not yet been reached and he would be offered re-engagement in due course. As far as Applicant No.2 and 3 are concerned, the respondents do not admit their claim but also say that they left the work on their own and therefore they have right for re-engagement.

3. The learned counsel for the applicant has cited the order of this Tribunal in OA No.1335/96 in support of his contention that the claim of the applicants is not time barred. He further contended that there is no indication that the respondents issued any notices to the applicants in case it was found that they had left the work of their own accord; in fact he pointed out the contradiction in the statements of the respondents. He also argued that the respondents have admitted the claim of Applicant No.1 for having worked for only 95 days when in fact he had put in much longer service and on that basis was entitled for a much higher seniority.


4. I have considered the matter carefully. The respondents admit that the name of Applicant No.1 is already included in the LCLR. If the applicant was not satisfied with the seniority in the said Register, it was open to him to agitate the matter at the appropriate time. In fact he has been lax in pursuing his case inasmuch as even now he has sought the relief that his name should be included in the LCLR when in fact it is already there. The claims of Applicant No.2 and 3 are also I find time barred. The respondents say that these two applicants left the work on their own accord. I

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notice that these two applicants did not file any representation before filing of this OA, i.e., till 1997. This lends strong support to the case of the respondents. The position of those who have been continuously pursuing their case and those who have kept silent through out fall in two different categories. In the latter case the normal assumption would be that they were not interested in obtaining the work. The learned counsel for the applicant submitted that the applicants had been representing their cases for many years. However, the only substantive indication is a copy of representation, Annexure-A3 dated 19.2.1992. This, it will be seen, also has been filed only by Applicant No.1 whose claim has been admitted by the respondents for inclusion in the LCLR.

5. In the light of the above discussion, I find no reason to interfere in the matter. OA is accordingly dismissed. No costs.


(R.K. Ahooja)
Member(A)

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