

(V)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A. No. 1797 of 1994

New Delhi: this 23rd day of September, 1996.

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

HON'BLE DR. A. VEDAVALLI, MEMBER (J).

Raghuraj Singh,
S/o Sh. Murari Lal,
A-Block, H.No. 523, Vijay Nagar,
Sector 11, Ghaziabad (UP)Applicant.

By Advocate: Shri V.P. Sharma.

Versus

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

2. The Divisional Railway Manager,
Northern Railway,
Delhi Division,
Near New Delhi Railway Station,
New DelhiRespondents.

By Advocate: Shri R.L. Dhawan.

JUDGMENT

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

Heard.

2. The applicant who admittedly was engaged in Railway Department as Casual Labourer for 115 days from 10.11.83 to 13.6.84 under PWI Ghaziabad is seeking inclusion of his name in the Live Casual Labour Register, in this OA filed on 4.10.94.

3. The main ground taken by the respondents in their reply is that the OA is grossly barred by

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limitation as the applicant is approaching the Tribunal after remaining silent for over 10 years. It is also contended that in terms of Northern Railway Printed Circular Sl. No. 7716A (Annexure-RI) the engagement of fresh casual labour after 30.1.81 was barred except with the personal approval of the G.M., and the engagement of the applicant as casual labourer from 10.11.83 by PWI, Ghaziabad was thus ab initio void. In support of the contention that the OA is hit by limitation, the Hon'ble Supreme Court's ruling in R.C. Samanta and others Vs. UOI & Ors. JT 1993(3) SC 418 and State of Punjab and others Vs. Gurdev Singh JT 1991(3) SC 465 have been cited.

4. We note that as per respondents' circular (Annexure-RI) dated 28.8.87 those casual labourers who were discharged after 1.1.81 are to be continued on the Live Casual Labour Register indefinitely.

5. We also note that in OA No. 2441/91 Net Ram and others Vs. UOI in which judgment was delivered on 26.5.94, under similar circumstances, a plea of limitation taken was decisively rejected. We as a Co-ordinate Bench are bound by that judgment and following the ratio in Net Ram's case (supra), we direct the respondents to include the applicant's name in the Live Casual Labour Register if eligible for such inclusion, and consider his engagement as a casual labourer as and when the need arises in accordance with his seniority in that register.

6. This OA is disposed of accordingly. No costs.

Dr. A. Vedavalli
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
MEMBER (A)

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