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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2305/2000

Wednesday, this the 5th day of September, 2001

Hon'ble Shri Shanker Raju, Member (Judl)

Rohtas s/o Shri Banwari
r/o Gali No.8, H.No.RZ-837-C/E 303,
Sadh Nagar-II, New Delhi.

..Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through
The General Manager
Northern Railway, Baroda House
New Delhi.
2. The Divisional Railway Manager
Northern Railway, Bikaner Division
Bikaner (Raj)
3. The Divil. Engineer-II,
Northern Railway, Bikaner (Raj)

..Respondents

(By Advocate: Shri R.L. Dhawan)

O R D E R (ORAL)


Heard the learned counsel for both the parties.

2. Briefly stated, the applicant has worked as a casual labour during the period from 21.10.1984 to 26.1.1985. By placing reliance on the circular of the respondents issued in the year 1987, the learned counsel for the applicant contends that the applicant has a right to be included in the Live Casual Labour Registrar (LCLR) and to be engaged as per the various decisions of this Court. It is also contended that he made a representation to the respondents for inclusion of his name in the LCLR on 21.4.1997 which was not disposed of. Thereafter, he approached the Tribunal by filing OA-2754/1997 which was disposed of by an order passed on 14.8.1998 by giving directions to the respondents to dispose of the representation by passing a speaking and a

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reasoned order. In compliance of the Tribunal's order dated 14.8.1998, the respondents have passed an order dated 30.11.1998 wherein the claim of the applicant has been rejected merely on the ground that he had worked only for 95 days and that too on broken periods and as per para 179 (xiii) (c) of IREM Vol. I, a minimum service of 180 days is prescribed for inclusion of the name in LCLR. The learned counsel for the applicant states that now it has been established by various pronouncements of this Court that the aforesaid requirement is not legally tenable and if a person has worked less than 180 days but not 10 days or very short period, has a right to be included in the LCLR.

3. In this view of the matter and placing reliance on the several decisions of this Court as well as the circular of the respondents issued in the year 1987, it is contended that the applicant has a right to be included in the LCLR. On the other hand, the learned counsel for the respondents in his reply has stated that the present OA is hopelessly time barred and the applicant has lost his right and remedy as he had made a representation for inclusion of his name in LCLR only on 21.4.1997 after about a period of 12 years from the date on which he last worked as casual labour. The present OA has been filed on 1.11.2001 and the grounds stated in his MA for condonation of delay are absolutely not justifiable. Drawing my attention to the decision of the Full Bench in the case of Mahabir & Ors. Vs. Union of India & Ors., ATJ 2001 (1) 1, it is stated therein that the law of limitation even applies to casual labours in



Railway and if they failed to approach this Tribunal within the stipulated period as envisaged under Section 21 of the Administrative Tribunals Act, 1985, their cases are liable to be rejected as time barred having lost their remedy and right. The learned counsel for the applicant has also placed reliance on the decision of the Apex Court in R.C. Samanta & Ors. Vs. Union of India, 1993 (3) SC 418 which clearly stipulates that in case of delay, a person loses his remedy by lapse of time which consequently loses his right as well. In case of P.K. Ramachandran Vs. State of Kerala, JT 1997 (8) SC 189, the Apex Court has observed that though the law of limitation affects harshly on a particular party but has to be applied with its rigour and the Court has no power to extend the period of limitation on equitable grounds.

4. Having carefully considered the rival contentions of both the parties and without dealing with the merits of the case, the present OA is liable to be rejected as hopelessly barred by limitation. The grounds adduced by the applicant in his MA for condonation of delay are that after the receipt of the copy of the order passed by the respondents on his representation, he has made a further representation and also served a legal notice to the respondents will be of no avail to him as these remedies are not statutory as provided under the Rules. The applicant should have approached this Court within one year from the date of the order as provided under Section 21 of the A.T. Act, 1985. Apart from it, I find from the record and fortified in view of the decision of Full Bench in Mahabir's case (supra) that the law of



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limitation equally applies to casual labours. In this conspectus, I find that the applicant, who had worked last in 1985, despite existence of Railway's instructions in 1987, has preferred a representation only on 21.4.1997 and approached this Court whereby directions had been issued to the respondents to dispose of his representation and thereafter, he has failed to approach this Court within the stipulated period.

5. In the circumstances, the OA is dismissed as barred by limitation. No costs.

S. Raju
(Shanker Raju)
Member (J)

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