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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A. No.685 of 2000

New Delhi, this the 24th day of May, 2001

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

Shri Gopi Singh  
S/o Shri Fateh Singh  
aged about 37 years  
R/o C/o Rati Ram, Room No.6  
Krishna Gali, Shahdara  
Delhi

- APPLICANT

(By Advocate: Shri T.D.Yadav)

Versus

U.O.I. Through

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

2.The Divisional Personnel Officer,  
D.R.M., Muradabad,  
Northern Railway,  
Muradabad(U.P.)

- RESPONDENTS

(By Advocate: Shri D.S.Jagotra)

O R D E R (ORAL)

By Hon'ble Mr.Kuldip Singh, Member(Judl)

In this OA applicant claims that he has worked under respondents for 280 days between the period 1980 to 1986. In the seniority list issued by respondents, applicant's name had been placed at serial no.24. Applicant has stated in his OA that after 1986, he was sick and could not continue, however when he came to know that his several colleagues had been re-engaged, he made a representation to respondents but no reply had been received. He has prayed for a direction for re-engagement in preference to juniors and outsiders and to place his name on Live Casual Labour Register (in short 'LCLR').

2. Respondents are contesting the OA. They have

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submitted that this O.A. is hopelessly barred by time as the applicant had worked in short spells long back from 1980 to 1986 and thereafter, he remained sick and did not turn up. It is submitted that after 1986, the applicant never put forward any claim for re-engagement and the representation which the applicant has claimed to have made to respondents in 1999, had also not been received by them. The applicant's name was removed from the final seniority list as his working days in 1978 were found to be false and proof of his date of birth was also found to be unreliable and over written. Accordingly his name was never placed in the LCLR.

3. I have heard learned counsel for the parties and gone through the records.

4. Learned counsel for the applicant has relied upon a judgement of the Tribunal in O.A.115/2001 delivered on 12.1.2001 filed by a similiary situated person. The Tribunal in that OA, relying upon the Railway Board's circular dated 28.8.97, had directed the respondents to consider the matter carefully in terms of the aforesaid circular and various orders of the courts available on this subject. However, after going through the order passed in 115/2001, I notice that the name of the applicant in that case was never placed in the seniority list maintained by respodents whereas the name of the applicant in the present case did appear in the provisional seniority list but later when it was found

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that the information of working days supplied by the applicant was false, his name was omitted from the final seniority list.

5. As regards bringing the name on the Live Casual Labour Register, the same very point was referred to the Full Bench:-

" (a) Whether the claim of a casual labourer who has worked prior to 1.1.1981 or thereafter with the respondents i.e. Railway Administration has a continuous cause of action to approach the Tribunal at any time, well after the period of limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985, to get a direction to have his name placed on the Live Casual Labour Register; in other words, whether the provisions of the relevant Railway Board circulars for placing his name in the LCL Register gives him a continuous cause of action".

6. The Hon'ble Full Bench after considering the rival contentions and going through the various judgments on the issue, answered the question in the following manner:-

"18. In the light of the foregoing discussion we answer the aforesaid issue (a) as under:

Provisions of the relevant Railway Board's circular dated 25.4.1986 circular dated 28.8.1987 issued by General Manager, Northern Railway for placing the names of casual labour on the Live Casual Labour Register do not give rise to a continuous cause of action and hence the provisions of limitation contained in Section 21 of the Administrative Tribunals Act, 1985 would apply".

7. It is an admitted fact that applicant's name does not exist on the LCLR. Since he has failed to apply at the appropriate time for bringing his name on the LCLR and the Hon'ble Full Bench has held that provisions of

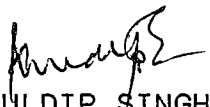
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the relevant Railway Boards's circular for placing the name of casual labour on LCLR do not give rise to a continuous cause of action, therefore, the provisions of limitation contained in Section 21 of the Administrative Tribunals Act would apply in the present case.

8. Under the circumstances, I am of the opinion that this O.A. is time barred and is, therefore, rejected on the grounds of limitation. No costs.

  
( KULDIP SINGH )  
MEMBER(JUDL)

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