

Central Administrative Tribunal
Principal Bench: New Delhi

3

O.A. No.713/2000

New Delhi this the 23rd day of March, 2001

Hon'ble Mr. V.K. Majotra, Member (A)

1. Kesho Ram
S/o Shri Hori Lal
2. Ved Prakash
S/o Hori Lal
3. Samay Singh
S/o Shri Rattan Lal
4. Journail Singh
S/o Shri Ram Karan
5. Roshan Lal
S/o Mallu Ram
6. Journail Singh
S/o Shri Bachna Ram
7. Om Prakash
S/o Shri Shankar Ram
8. Jagu Ram
S/o Shri Mansa Ram
9. Joginder Singh
S/o Shri Basawa
10. Jeet Ram
S/o Rama
11. Sarwan Kumar
S/o Shri Sadhu Ram
12. Satpal
S/o Narata Ram
13. Hans Raj
S/o Ramdiya
14. Chattar Pal
S/o Puranchand
15. Des Raj
S/o Shri Sakru Ram
16. Rajkumar
S/o Shri Matu Ram
17. Cheetar
S/o Keshro Ram
18. Mahinder
S/o Jeeta Ram



19. Joti Ram
S/o Shri Sadhu Ram
20. Ramchander
S/o Manglu Ram
21. Aman Kumar
S/o Sarupa Ram
22. Satpal
S/o Mankora
23. Jagmaal
S/o Karerana
24. Phoolchand
S/o Kurdiya
25. Rulda Ram
S/o Santuram
26. Rajkumar
S/o Sunderlal
27. Barkiya Ram
S/o Suda Ram
28. Ruldaram
S/o Mankora Ram
29. Balakram
S/o Anturam
30. Rangiram
S/o Sadhu Ram
31. Om Prakash
S/o Budhram
32. Shivram
S/o Sawan Ram
33. Ramlal
S/o Baishakhi Ram
34. Nakli
S/o Budhram
35. Amar Singh
S/o Santu
36. Jagdish
S/o Puran Singh
37. Balbir Singh
S/o Puran Chand





38. Ajmer
S/o BudhSingh
39. Rameshchand
S/o Hukma Ram
40. Gurdayal
S/o Hukma Ram
41. Sukhbir
S/o Sadhuram
42. Soma
S/o Bangiram
43. Pala
S/o Santu
44. Prem
S/o Bangiram
45. Syoram
S/o Butlaram
46. Prem
S/o Bishna Ram
47. Tandiram
S/o Mehar Chand
48. Harichand
S/o Ghasiram
49. Om Prakash
S/o Mamchand
50. Gurnam Singh
S/o Tulsiram
51. Maksood
S/o Shanwaj
52. Ramji Lal
S/o Sh.Baishakhi Ram
53. Gurmel
S/o Sondhi Ram

(None Present)

Versus

1. Union of India,
C/o General Manager,
Northern Railway,
Baroda House, New Delhi.
2. Divisional Railway Manager,
DRM Office, Ambala Cantt.
Haryana.

(By Advocate: Shri R.P. Aggarwal)

_Applicants

- Respondents

ORDER (Oral)

16

None present on behalf of the applicants. I proceed to dispose of the OA in the absence of the applicants and their counsel in terms of provisions contained in Rule-15 of the CAT (Procedure) Rules, 1987.

2. The applicants, 53 in number, have assailed non-implementation of order dated 15.11.98 of the Northern Railways, HQ Office, Baroda House, New Delhi by the respondents. According to them, they are aggrieved by the fact that their names have not been placed in the live casual labour register (for short "LCLR") of the Northern Railways. According to the applicants, they have been working as casual labour Khalasi in the Northern Railways "quite a few of them have worked in the Engineering Works Department of Northern Railway, Ambala Cantt" and that the remaining are working under Delhi Division. They have sought entry of their names in the LCLR and direction to the respondents for appointment ^{on the} ~~of~~ any work in Class-IV in preference to freshly recruited persons or junior workers.

3. In Respondents' counter, the instructions on maintenance of LCLR require such registers to be maintained for open line casual labour unit-wise and for the project casual labour as division-wise. Such registers are updated every year. Referring to instructions dated 9.10.88 and 15.11.88, an exercise was made and names of eligible persons entered in the LCLR who had represented to the Railways upto 31.3.87. According to the respondents, the applicants have not given any details regarding the time of their engagement and also the office under which they were engaged as casual labour. As such, their names do not ^{find} ~~find~~ mention in the LCLR, ^{to} They have also denied applicability of letter dated 15.11.98. The respondents have taken exception to the

b


jurisdiction of the Principal Bench as well. They have also contended that the OA is barred by limitation under Section 21 of the AT Act, 1985 as the cause of action, if any, would have arisen when the applicants were disengaged.

4. I have heard Shri R.P. Aggarwal, learned counsel of respondents and perused the material on record.

5. Shri Aggarwal stated that the applicants have not moved any P.T. in terms of Section-25 of the AT Act which is a pre-requisite for dealing with the matter by a Bench which has no jurisdiction over the matter. He stated that the applicants have given their address at Ambala Cantt and have filed the application in the Principal Bench instead of Chandigarh Bench. Rule-6 of CAT (Procedure) Rules, 1987 reads as follows:-

"Place of Filing Application- (1) An application shall ordinarily be filed by an applicant with the Registrar of the Bench within whose jurisdiction-
(i) the applicant is posted for the time being, or
(ii) the cause of action, wholly or in part, has arisen:
Provided that with the leave of the Chairman the application may be filed with the Registrar or the Principal Bench and subject to the orders under Section 25, such application shall be heard and disposed of by the Bench which has jurisdiction over the matter".

6. As the applicants are resident of Ambala and they have not moved any application under Section-25 to obtain leave of the Hon'ble Chairman for filing the matter with the Principal Bench, this court certainly has no jurisdiction over the matter. Agreeing with Shri Aggarwal and without going into the merit of the case, the OA is dismissed accordingly. No costs.


(V.K. Majotra)
Member (A)