

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1002/2009 2000

New Delhi, this 19th day of April, 2001

Hon'ble Shri M.P. Singh, Member(A)

1. Pradeep Kumar
808, Kamra Bungus
Daryaganj, New Delhi
2. Naveel Ahmad
B-54, Chhajjupur, Shahdara, Delhi
3. Rajinder Prasad
Gali No.1, H.No.31, Harijan Basti
Sadafpur, Shahdara, Delhi
4. Ramesh Chander Gupta
Vijay Vihar, G-96, Phase I
Rohini, Delhi
5. Ramji Ram
224/41, Near Block No.40
Rly. colony, Kishan Ganj, Delhi
6. Ijhar Husain
216, Dr. Lane, Golle Market, New Delhi .. Applicants

(By Shri K.K.Patel, Advocate)

versus

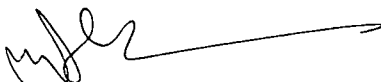
1. Senior Divisional Personel Officer
Northern Raiway, New Delhi
2. Chief Administrative Officer/Construction
Northern Railway
Kashmere Gate, Delhi .. Applicants

(By Shri Rajinder Khattar, Advocate)

ORDER(oral)

Heard the counsel for the parties.

2. It is the case of the applicants that they were initially engaged as casual labours in the Central Organisation for Operations Information System (COOIS) set up in July, 1985. On completion of more than six months service, they were given regular scale of pay of Rs.750-940 and granted temporary status on various dates in 1986-87. However, their services were discharged/ retrenched by the COOIS w.e.f. 15.9.87 on account of winding up the organisation vide order 22.9.87. After that they have been representing to the respondents but



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without any success. They are now before this Tribunal through this OA seeking directions to the respondents to:

(i) Give effect to order dated 10.11.87 and include their names in the Lie Casual Labour Register (LCLR) and to re-engage them in accordance with their seniority;

(ii) To pay back wages to them;

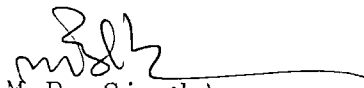
(iii) To give them consequential benefits after their re-engagement such as continuity in service and seniority etc.

2. Respondents have opposed the OA in their counter on the ground of limitation. They have also placed reliance on the Full Bench judgement of this Tribunal in the case of Mahabir Singh Vs. UOI decided on 10.5.2000 in which it has been held that claims raised after lapse of several years would undoubtedly attract the proviso of limitation contained in Section 21 of AT Act, 1985. Placing further reliance on the direction given by the Delhi High Court in CWP No.332/96 dated 23.2.87 they have submitted that only such persons who had worked as project casual labour before 1.1.81 and who were discharged for want of further work due to completion of work and who had submitted representation with adequate documentary proof in this connection before 31.3.87 were to be kept on LCLR. No letter of COOIS in connection with the retrenchment and absorption of casual labours in Delhi Division is available with the respondents. In view of this position, the OA may be dismissed.



3. During the course of the arguments, the learned counsel for the applicants submitted that he is restricting his prayer only to the extent that the respondents be directed to consider including the names of applicants in the LCLR.

4. In view of this position, I feel that it would be in the interest of justice if respondents are given direction to treat this OA as a fresh representation of the applicants, verify the claims made by the applicants therein and consider inclusion of their names in the LCLR as per the instructions on the Scheme issued by the Government and dispose of the representation with a detailed and speaking order within a period of three months from the date of receipt of a copy of this order. I do so accordingly. No costs.


(M.P. Singh)
Member(A)

/gtv/