

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA 14/1991

Date of decision: 29.03.1993

Shri Narain Singh & Others

...Applicants

Versus

U.O.I. through the General Manager,  
Northern Railway, Baroda House,  
New Delhi & Others

...Respondents

For the Applicants

...Shri B.S. Maine, Counsel

For the Respondents

..Shri B.K. Agarwal, Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN  
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A)

1. To be referred to the Reporters or not?

JUDGMENT (ORAL)

(of the Bench delivered by Hon'ble Mr. Justice  
S.K. Dhaon, Vice Chairman(J))

The three applicants have come up with a definite cause that they had been employed as casual labourers and they had worked as such for more than 120 days so as to entitle them to acquire temporary status. Their grievance is that the respondents, in spite of the Circular of the Railway Board issued in 1987, did not place their names in the Live Casual Labour Register. In substance, the prayer is that a direction may be issued to the respondents to put the applicants' name in the said Register in accordance with the Railway Board's instruction.

2. A reply has been filed on behalf of the respondents and the material averments in the reply are these. Applicant No.3,

Satyabhan Singh, had never worked for 120 days continuously at any time. The services of the applicants had been disengaged in 1983-84 on the ground of no work. The applicants slept over their rights and, therefore, they cannot agitate the matter in the year 1990.

3. In paragraph 4.6 of the reply filed on behalf of the respondents it is not denied that Applicants Nos. 1 and 2, namely, S/Shri Narain Singh and Varinder Singh, had not worked for 120 days. It is also not the case of the respondents that in the year 1987 Railway Board had <sup>not</sup> issued a direction that such of the casual labourers who had been discharged at any time after 1.1.1981 on completion of work or for want of future production should be continued to be borne on the Live Casual Labour Register. It is thus clear that Applicants Nos. 1 and 2 are entitled to be borne on the said Live Casual Labour Register in pursuance of the said directions of the Board issued in 1987. Admittedly, they have not been kept on the said Register. With respect to Applicant No.3, our finding is that he has not been able to establish that he had worked for more than 120 days and, therefore, he is not entitled to any relief.

4. The learned counsel for the respondents vehemently argued that as regards Applicants Nos. 1 and 2, their application is belatedly barred by time. We are not inclined to accept this submission. Obviously a duty was caused on the respondents to put the names of Applicants Nos. 1 and 2 in the Live Casual Labour Register in the year 1987. They having failed to do so, a recurring cause <sup>of action</sup> has accrued to Applicants Nos. 1 and 2 and, therefore, their application cannot be thrown on the ground of limitation.

Qb

.3.

5. The application succeeds in part. The respondents are directed to put the names of Applicants Nos. 1 and 2 on the aforesaid Register after examining their cases on merits and thereafter deal with them in accordance with law. The application in respect of Applicant No.3 is dismissed.

There shall be no order as to costs.

  
(I.K. RASGOTRA)  
ADMINISTRATIVE MEMBER  
29.03.1993

  
(S.K. DHAON)  
VICE CHAIRMAN  
29.03.1993

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