

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.2440 of 1991

New Delhi this the 3rd day of November, 1995.

HON'BLE SHRI N. V. KRISHNAN, ACTING CHAIRMAN

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER (J)

Sudheer Kumar S/O Balbir,
R/O Village Puramara,
P.O. Puramara, Distt. Kiroli,
Agra U.P.

... Applicant

By Shri A. K. Bhardwaj, Adv., (though none present)

Versus

1. Union of India through
General Manager,
Western Railway,
Churchgate, Bombay.
2. Divisional Railway Manager,
Jaipur Division,
Western Railway,
Jaipur, Rajasthan.
3. Inspector of Works,
Western Railways,
Achnera (U.P.).

... Respondents

By Shri Romesh Gautam, Advocate (though none present)

O R D E R (ORAL)

Shri N. V. Krishnan, Act. Chairman :-

The applicant states that he was engaged as a casual labourer under the respondents. He completed 160 days on 20.12.1980. Instead of being treated as a temporary servant, the respondents disengaged him giving a false assurance that he would be re-engaged if a vacancy arose later on.

2. It is alleged that on 20.6.1990, 1.1.1991 and 9/1991 the respondents re-engaged juniors to the applicant as casual labourers while not taking into consideration the claim of the applicant. It is further stated that the applicant seeks the benefit of the Railway Board's order dated 11.9.1986 regarding inclusion of his name in the live register.
- 12

3. Hence, the applicant has filed this O.A. for the following directions :-

- (1) to declare as illegal the verbal order dated 20.12.1980 disengaging him;
- (2) to include the applicant's name in the live casual labour register;
- (3) to re-engage him as a casual labourer; and
- (4) to treat him as a temporary servant with all consequential benefits.

4. As the respondents did not file any reply, their right to file it had been forfeited by order dated 8.9.1992.

5. An interim direction has been given to the respondents to consider engaging the applicant as casual labourer if vacancy exists in preference to his juniors and outsiders.

6. As none is present today though the case has been called out twice, we have perused the record and we propose to dispose of the O.A. on the basis of available pleadings.

7. It is quite clear that the prayer against disengagement in 1980 is not only barred by limitation but is also barred by jurisdiction. A person who has been sleeping over his rights cannot say that in 1991 when fresh recruitment was being made, the Railways should consider his case also giving him the benefit of his earlier service. We are, therefore, of the view that even on this ground the application lacks merit. The other prayer is related to inclusion of the applicant's name in the live casual labour register.

12

The applicant ought to have taken steps to make an application to the concerned authorities in time, which has not been done. In the circumstances, we find that all these grounds raised in the O.A. have no merit. The O.A. is accordingly dismissed. There shall be no order as to costs.

Lakshmi Swaminathan

(SMT. LAKSHMI SWAMINATHAN)
MEMBER (J)

N. V. Krishnan
3.11.85

(N. V. KRISHNAN)
ACTING CHAIRMAN

/as/