

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2137/1992

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New Delhi, this 28th day of May, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri S.P. Biswas, Member(A)

1. Shri Bajrangbali
2. Shri Ram Bahadur Yadav .. Applicants
c/o Shri B.S. Mainee, Advocate,
240, Jagriti Enclave, Vikas Marg
Extension, Delhi-92

(By Advocate Shri R.N. Saxena)

versus

Union of India, through

1. General Manager
Northern Railway
Baroda House, New Delhi
2. The Divisional Railway Manager
Northern Railway
State Entry Road, New Delhi .. Respondents

(By none)

ORDER(oral)

Hon'ble Dr. Jose P. Verghese

The applicant has filed this OA on behalf of himself and on behalf of one Shri Ram Bahadur Yadav. Applicant No.1 had been working as casual labourer from 1982 to 1988 while applicant No.2 from 1987 to 1989. In reply to the show cause notice by the court, respondents stated that the applicants have approached this Tribunal after 4 years and therefore the application is hit by limitation. In the reply annexed to is a copy of the certificate issued by the respondents themselves stating that the applicants had worked till October, 1992. This OA had been filed in 1992 and hence there is no question of limitation.

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2. The second point taken by the respondents in their reply is that the applicants had been appointed as casual labourers against emergent situation like Flood Control during the construction project. This reply does not commensurate with the facts of the case since the applicants had been engaged as casual labourers since 1982 through 1992. Learned counsel for applicants also stated that some of their juniors have been taken back without considering the fact that the applicants had earlier worked and the respondents have discriminately discontinued the applicants without any notice.

3. Since none appeared on behalf of the respondents and no averments have been made to controvert the facts stated in the OA and also in view of the law laid down on engagement of casual labourers, respondents shall consider re-engagement of the applicants against next available vacancies by taking them on the live casual labour register and thereafter grant them the benefits in accordance with the rules, within a period of two months from today.

There shall be no order as to costs.


(S.P. Biswas)
Member(A)


(Dr. Jose P. Verghese)
Vice-Chairman(J)

/gtv/