

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

O.A. No. 2874/92

199

T.A. No. MP/1905/1913

DATE OF DECISION

5.8.93

Shri Sri Chand Sharma

Petitioner

Shri SS Bhalla, ML Shri

Advocate for the Petitioner(s)

Versus

Union of India

Respondent

Advocate for the Respondent(s)

ORAM

The Hon'ble Mr. J.P. Sharma, Member (J)

The Hon'ble Mr. N.K. Verma, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

JUDGEMENT

(Hon'ble Shri N.K. Verma, Member (A))

The applicant in this O.A. is claiming grant of temporary status as a casual labourer from the year 1977 as he worked for more than four months continuously in a year upto 24-9-1977, ^{as per} ~~It is contended that~~ the orders contained in Railway Board's letter (An.1) dated 12-7-73. He also prays that he should be given work as casual labourer in preference to refreshers as per Railway Board's orders contained in the same Memo at An.1.

2. Short facts of the case are that the applicant has produced record of service Card No.81248 in which he has been certified to have worked as a casual labourer in the Railways for a period of 130 days by the Permanent Way Inspector, Northern Railway, Phaphund during the year 1977.

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He had been out of job all the time thereafter and he made a representation against non-grant of temporary status to the PWI, R.Railway, Phophund on 4-5-92. He has not been given any final reply in the matter so far and hence the application to the Tribunal.

3. In the counter submitted by the respondents it was brought to the notice of the Tribunal that the application made by the applicant is very vague as it does not give the ~~details~~ of the impugned order nor does he state the date of termination. They also denied that a casual labourer card as claimed by the applicant was issued to him. The casual labourer card was not issued to the applicant but to another person called Shri Sainam Singh son of Gulzari Lal. The applicant's name is also not borne on the live casual register of PWI Phophund. The railway respondents denied that the applicant was ever appointed as casual labourer by the PWI Phophund and hence the impugned order of the Railway Board does not apply in this case.

4. We heard learned counsels for both the sides. The claim of the applicant is hopelessly time barred as the cause of action, ~~had~~ arisen in 1977 when he was not given temporary status as per the Railway Board's instructions of 1973. Delay in having the matter sorted out at the appropriate level in the Railway Board and latter at the level of this Tribunal could not be explained by the learned counsel for the applicant. Since the respondents have denied that the casual labourer card was ever issued to the applicant by the PWI Phophund, the claim of the applicant cannot stand even the preliminary scrutiny. We therefore find ^{both original and the MP.} the application devoid of any merits and dismiss ~~them~~ accordingly.

N.K. Verma
(N.K. VERMA)
Member (A).

J. P. Sharma
(J.P. SHARMA) 9/9/93
Member (J)

Pronounced by me.

J. P. Sharma
(J.P. Sharma)
Member (J).