

Central Administrative Tribunal
Principal Bench

O.A.No.3094/92

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 26th day of September, 1997

1. Shri Ved Parkash
s/o Shri Kumar Singh
Ex-Casual Labour/Waterman
Rly. Station Semna.

2. Shri Sri Bhagwan
s/o Shri Bhudeo
Ex-Casual Labour/Waterman
Rly. Stn. Mehrawal. ... Applicants

(By Shri B.S.Mainee, Advocate)

Vs.

Union of India through

1. The General Manager
Northern Railway
Baroda House
New Delhi.

2. The Divisional Railway Manager
Northern Railway
Allahabad. ... Respondents

(By Shri H.K.Gangwani, Advocate)

O R D E R (Oral)

The applicants claim that they were engaged as Casual Labour/Waterman between 1981-1987. Their grievance is that after 1987, they have not been re-engaged although their juniors are still working. They submit that as per the instructions of Railway Board in the matter of engagement of Casual Labour, preference should always be given to those who have already worked for more days as casual labour upon lines as well as on [redacted] projects and the names of such persons have also to be included on the Live Casual Labour Register.

2. The respondents in reply have taken the plea that the application is barred by limitation since even on their own admission the applicants worked upto 1987 while this OA has been

[Signature]

filed in 1992. They also say that after 1987 the applicants neither turned up nor filed any representation to the respondents. In view of this, they have no case before the Tribunal.

3. I have heard the counsel. It is not denied by the respondents that the applicants worked for various periods upto 1987. They are thus entitled to have their names included in the Live Casual Labour Register in accordance with the Scheme prepared by the respondents. This Tribunal has already held in its order in OA No.1335/96, Shri Rajendra Vs. Union of India & Others (decided on 6.5.1997) that the plea of limitation would not apply in case of Casual Labour who have worked for sufficient days for inclusion of their names in the Live Casual Labour Register, in case they otherwise fulfil the requirements of the Scheme. Accordingly, I dispose of this OA with a direction to the respondents that in case the applicants make a representation to the respondents along with whatever documentary proof regarding their engagement within one month from the date of receipt of a copy of this order, the same will be verified by the respondents within a period of two months from the date of receipt of such representation and their names included in the Live Casual Labour Register and thereafter consider them for re-engagement and regularisation in accordance with Railway Board's extant rules and instructions.

The OA is disposed of accordingly. No costs.


(R.K. AHOJA)
MEMBER (A)

/rao/