

Central Administrative Tribunal, Principal Bench

O.A.No.3127/92

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

New Delhi, this 8th day of April, 1997

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Gyarsa Ram  
s/o Shri Lachha Ram  
Ex-Casual Labourer under  
I.O.W. (W. Rly.) Alwar  
H.No.748 Block 'A' J.J.Colony  
Pankha Road  
New Delhi. ... Applicant

(None)

Vs.

1. Union of India through  
General Manager  
Western Railway  
Churchgate  
Bombay.
2. Divisional Railway Manager  
Western Railway  
Jaipur  
(Rajasthan)
3. Assistant Engineer  
Western Railway  
Alwar(Rajasthan).

... Respondents

(By Shri R.L.Dhawan, Advocate)

O R D E R(Oral)

The applicant claims that he worked as Casual Labour for a period of over 3 years, though he has documentary proof only for a period of 208 days, under the IOW(Western Railway), Alwar from 21.5.1968 to 3.6.69. He states that after termination of his services fresh persons were engaged by the respondents. Later, certain similarly placed casual labour approached this Tribunal and vide orders A2 to A5 consequent to OA No.1816/91, 1873/91, 2335/91 and in similar cases ~~and~~ were re-engaged. The applicant states that all those persons who were re-engaged have been employed as Casual Labour ~~at~~ after him and therefore on the basis of seniority he had applied

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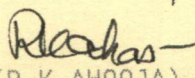


for re-engagement. Therefore, he has sought a direction to the respondents to re-engage him in preference to his juniors and outsiders.

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2. The respondents in reply raise a preliminary objection that since the applicant was disengaged from service from 1969 the present OA is not in the jurisdiction of this Tribunal since the matter pertains to the period prior to 1982. Furthermore, they allege that the petition is barred by limitation since the applicant has approached this Tribunal after a lapse of 25 years. None has appeared for the applicant. However, I have heard Shri R.L.Dhawan, learned counsel for the respondents. The applicant himself admits that he had worked in the office of respondents and is having documentary proof of only 208 days. He has sought relief on the analogy of casual labour who were in service on 1.1.1981 or after 1.1.1981. Obviously his case is not covered by the Scheme as per the Railway Board's Circular dated 11.9.1986. As regards his claim for preference over juniors and outsiders his prayer is obviously time barred since he has not taken any action between 1969 to 1992 to establish his claim. For this reason, no relief can be granted to him.

3. In the facts and circumstances of the case, the OA is dismissed. No costs.

  
(R.K.AHOOJA)  
MEMBER(A)

/rao/