

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.3168/92

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

New Delhi, this 11th day of March, 1997

Shri Narain
s/o Shri Sukha
Ex-Mate under p.W.I, Hapur
and I.O.W. Garhmukteshar and Gajraula
r/o Sath Futa-Road
House No.8/86, Arjan Gali
Delhi - 32.

... Applicant

(None)

Vs.

1. Union of India, through
General Manager
Northern Railway
New Delhi.
2. Divisional Rail Manager
Northern Railway
Moradabad.
3. Assistant Engineer
Northern Railway
Hapur.

... Respondants

(By Shri K.K.Patel, Advocate)

O R D E R (Oral)

The applicant is aggrieved by the action of respondents in terminating his services as Casual Labour Mate. He claims that he worked as Casual Labour Mate from 15.12.1978 to 14.10.1984 with short break. He claims that he having worked for more than 120 days acquired temporary status and his services could not be disengaged without giving him one month's notice. He also submits that the Railway Board has issued instructions that the name of Casual Labourers who were discharged at any time after 1.1.1981 ought to continue to be borne on

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the live casual labour Register, and these instructions have been reiterated in the Railway Board letter No.E(NG)/87/CL/38 dated 12.6.1987. He therefore prays that the respondents be directed to reinstate him as Casual Labour Mate and grant him any further relief which may be deemed fit and proper in the circumstances of the case.

2. The respondents in reply deny the contentions of the applicant and state that his services were not terminated but he himself did not turn up for job since 1983. The present application, according to respondents, is time barred.

3. An MA for condonation of delay was also filed. Finally, the OA was admitted in 1993.

4. I have heard the learned counsel for the respondents who reiterates that the application is time barred since the cause for action arose in 1983 and the O.A. was filed in 1992. The O.A. has been admitted after issuing notice on the MA for condonation of delay. In any case, the delay can be taken into account in moulding the relief. The applicant has sought re-engagement from the date his services were terminated in 1983. Since he himself has been late in seeking relief, no such direction can be given. However, the applicant is entitled to have his name continued on the live casual labour Register in terms of the various Railway Board circulars issued by the Railway Board themselves, including the one No.220E/190-XII-A/EIV dated 28.8.1987. Para 9 thereof reads as under:

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"..... those Casual Labourers discharged prior to 1.1.1981 and had not worked for two years, their names should be deleted except such C.L. who had made special representation in terms of PS No.9191 and 9195 (to be executed upto 31.3.1987) and considered eligible further, all C.L. discharged after 1.1.1981 their names are to be continued on the Life Casual Labour Register indefinitely."

5. It is not necessary, as stated by the learned counsel that the applicant has to present himself for his name being placed on the Life Casual Labour Register since this has to be done by the respondents themselves. It is not denied that the applicant had worked as Casual Labour Mate from 1978 to 1983. He is thus entitled to have his name placed and continued on the Life Casual Labour Register. The OA is therefore disposed of with the following directions:-

- (i) The respondents will place the name of the applicant in the relevant live casual labour register on the basis of the service rendered by him upto 1983.
- (ii) The respondents will re-engage the applicant in case he makes a representation to that effect keeping in view his seniority on the Life Casual Labour Register.

The OA is accordingly disposed of. No costs.

R.K. Ahooja
(R.K. AHOOJA)
MEMBER(A)

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