

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

C.P. No.12 of 1996
in

O.A. No.389 of 1992

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New Delhi, dated this 19th September, 1996

HON'BLE MR. S.R. ADIGE, MEMBER (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1. Shri Krishan Lal
S/o Shri Suraj Bhan
(Applicant No.2 in the OA)
2. Shri Azad Singh
S/o Shri Jagdish Prasad
(Applicant No.9)
3. Shri Ram Kumar
S/o Shri Mool Chand
(Applicant No.26)
4. Shri Hanuman
S/o Shri Madu Alias Nathu
(Applicant No.35)

.... APPLICANT

VERSUS

Shri Ramesh Chand Tripathi,
Divisional Railway Manager,
Western Railway,
Jaipur.

.... RESPONDENTS

In the matter of

Asha Ram & Ors. Vs. UOI

Advocates: Shri Yogesh Sharma proxy
counsel for Shri V.P.Sharma
for the Applicant

Shri R.L.Dhawan for the Respondents

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

We have heard Shri Yogesh Sharma proxy
counsel for Shri V.P.Sharma for the applicant
and Shri R.L.Dhawan for the respondents.

2. This C.P. is filed against the Tribunal's
order dated 15.9.94 whereby the Respondents
have been directed to include the names of the
applicants in the LCR Register in accordance
with circular dated 28.8.87 and thereby give

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them reengagement as casual labourers as and when vacancies arise in accordance with their seniority.

2. In respect of four applicants, the Respondents have passed orders on 30.8.96, rejecting the representations filed by the applicants for inclusion in the LCR register, because they failed to file their representations within the prescribed period of one month from the date of receipt of a copy of the judgment dated 15.9.94, and also because according to the Respondents they have not rendered the minimum 180 days qualifying service for inclusion in the LCR register.

3. We note that the reply filed by the Respondents was issued after nearly 20 months delay. No specific reason has been given to explain the delay although it is contended that it is neither intentional nor deliberate and ~~an unconditional~~ ~~incidentally~~ an apology has been tendered by the Respondents for the same. We accept the apology.

4. After hearing applicants' counsel Shri Sharma and the respondents' counsel Shri Dhawan we hold that while the respondents would not be justified in rejecting the representations of the applicants merely on the ground that their representation was filed with some delay, they

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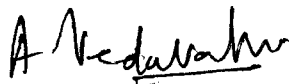
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have given other reasons also why they are unable to include their names in the Live Casual Labourer Register namely that the applicants had not rendered the minimum 180 days service either continuously or broken period.

5. In this connection Shri Yogesh Sharma has stated that there are large number of persons with even lesser length of service whose names find inclusion in the LCR register and the applicants therefore have been put to hostile discrimination by not entering their names in that register.


6. In the event that the applicant has materials to support this contention, it is open to them to agitate the same through appropriate original proceedings in accordance with law if so advised as the same would constitute a separate cause of action. The question whether other persons having lesser length of service have been included in the LCR Register while the applicants have not been considered, is not a matter which can be agitated in a contempt proceeding.

7. Under the circumstance granting liberty to the applicant to agitate their grievance if any arising out of respondents' order dated 30.8.1996 in accordance with law if so advised, this C.P. is dismissed and the notices against the respondents are discharged. No costs.



(Dr. A. Vedavalli)
Member (J)

/GK/


(S.R. Adige)
Member (A)