

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No.1234 of 1992

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New Delhi this the 5th day of February, 1997

HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

Shri Pratap Singh
S/o Shri Mangat Singh,
R/o S-44, School Block,
Shakapur,
Delhi-110 092.

....Applicant

By Advocate Shri S.K. Sawhney

Versus

Union of India through

1. General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Divisional Railway Manager,
Northern Railway,
Chelmsford Road,
New Delhi. ..Respondents

By Advocate Shri H.K. Gangwani

ORDER (ORAL)

Hon'ble Mr. K. Muthukumar, Member (A)

This application is by casual labourer who was employed as casual Pointsman. He claims to have worked in this position from 3.1.1979 to 18.12.1979 in Saharanpur Station and later under Deoband Station Superintendent with effect from 8.1.1980 to 1.10.1982. He also claims to have worked as Khalasi with Inspector of Works, Saharanpur for the period 3.6.1977 to 27.7.1977. After October, 1982, he was not engaged by the respondents. Having come to know that persons who were junior to him have been granted engagement/regular appointment, the applicant has approached this Tribunal with a prayer for a direction to have his name included

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in the Live Casual Labour Register in accordance with the relevant scheme for this purpose.

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2. The respondents in their reply have admitted that the applicant was engaged as Pointsman as per the attendance register from 8.1.1980 to 1.10.1982 in broken spells. They have, however, denied rest of the averments made by the applicant and have also submitted that no junior to the applicant has been working in the office of the answering respondent, namely, the Divisional Railway Manager, New Delhi, respondent No.2.

3. The learned counsel for the applicant submits that in terms of the Scheme covered by the circular of the Northern Railway dated 14th August, 1987, the applicant's name should have been continued on the Live Casual Labour Register indefinitely in terms of para 9 of the aforesaid circular as the applicant was discharged only after 1.1.1981. The applicant had made several representations without any avail and, therefore, he had no other option but to approach this Tribunal.

4. The learned counsel for the respondents, however, submits that this application is barred severely by limitation as the applicant had filed this application only in 1992 although he was discharged

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in 1982 and for 10 years he had never bothered to take up his matter and seek legal remedy. He also contends that the Tribunal cannot have jurisdiction over the matter in the cause of action which arose in 1982, i.e., well before the establishment of the Tribunal in terms of the provisions of the Act and also the law laid down in this behalf. In the light of this, the learned counsel submits that the applicant has no case and the application deserves to be rejected.

5. I have heard the learned counsel for the parties and have carefully perused the records.

6. It is an admitted position that the applicant was serving as a casual Pointsman for the period from 8.1.1980 to 1.10.1982 although in broken spells. It is fairly evident from the Railway Board's circular dated 14th August, 1987 that in respect of casual labourers discharged after 1.1.1981, the Railways are required to keep their name on the Live Casual Labour Register indefinitely. So, *prima facie*, the applicant's case should have been considered and should not have been removed from the Live Casual Labour Register. In regard to the question of limitation, I have considered this matter. Although the applicant was discharged on 1.10.1982 and from the record placed before me, it is evident that he has been making

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representations from 26.8.1986 and he had even complained about the fact of his appearance for screening in 1984 also, the respondents have not considered his representation so far and on the understanding that some juniors have been engaged, he has approached this Tribunal. In the light of this, I am of the considered opinion that the application cannot be disallowed on the technical grounds of limitation.

7. Inasmuch as the requirement of the Railway Board's instructions are that such casual labourers who were discharged after 1.1.1981 were to be continued on the Live Casual Labour Register indefinitely, It ~~now~~ ^{now} devolves on the respondents to have this matter verified and ^b continue the name of the applicant on the Live Casual Labour Register in the light of the admission of the respondents to the fact of his being engaged from 8.1.1980 to 1.10.1982.

8. Accordingly this O.A. is allowed with the direction to the respondents to consider the name of the applicant for being kept in the Live Casual Labour Register with reference to his original position in the seniority list. In the circumstances, there shall be no order as to costs.


(K. MUTHUKUMAR)
MEMBER (A)

Rakesh