CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 1369/93 **DATE OF DECISION: 05.07.1993.**

SHRI RABINDER UPADHAYA AND ANOTHER ...*PETITIONERS*

VERSUS

UNION OF INDIA & OTHERS ...*RESPONDENTS*

CORAM

The Hon'ble Mr. I.K. Rasgotra, Member (A)
The Hon'ble Mr. C.J. Roy, Member(J)

FOR THE PETITIONERS *SHRI H.L. BAJAJ, PROXY COUNSEL FOR SHRI B.S. MAINEE, COUNSEL.*

Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra)

An identical matter has been disposed of by us in **OA-1368/93.** The only variation in this case is that the petitioners herein have worked for various periods from 1973 to 1985. For the reasons stated in our order dated 5.7.1993 passed in **OA-1368/93 - Ganga Ram and Others vs. Union of India and Others** we see no reason to interfere in the matter. The O.A. is dismissed, as barred by limitation.

(C.J. ROY)
MEMBER(J)

(I.K. RASGOTRA)
MEMBER(A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.1368/93
MP.1824, 1825/93 Date of Decision:5.7.93

Shri Ganga Ram and Others Applicants

Versus

Union of India and Others Respondents

Shri H.L. Bajaj, proxy
counsel for Shri B.S.Mainee Counsel for the applicants.

CORAM: The Hon. Mr. I.K. RASGOTRA, Member(A).
The Hon. Mr. C.J. ROY, Member(J).

JUDGEMENT(Oral)

(delivered by Hon.Member(A) Shri I.K.RASGOTRA)

S/Shri Ganga Ram, Bhagwan Singh, Swaran Singh and Nathoo Ram have filed this application under Section 19 of the Administrative Tribunal's Act, 1985, praying for the following reliefs:-

(a) That the application be allowed and the orders vide which the services of the applicants were terminated be quashed.

(b) The respondents be directed to reengage the services of the applicants and place their names on the Live Casual Labour Register.

2. The case of the petitioners is that they were working as casual labourers under PWI (PQRS) Northern Railway, Delhi Safdarjung. The particulars of the services rendered by the applicants are as given below:-

(a)	Shri Ganga Ram	14.6.83 to 14.11.83
(b)	Shri Bhagwan Singh	14.6.83 to 14.11.83
(c)	Shri Swaran Singh	29.6.83 to 14.11.83
(d)	Shri Nathoo Ram	14.6.83 to 14.11.83

3. According to the petitioners, they have worked for 120 days continuously and acquired temporary status. They were, therefore, entitled to all rights and privileges admissible to a temporary railway servant. They have further stated that the respondents terminated their services without observing legal formalities. Shri H.L. Bajaj, proxy counsel for Shri B.S. Mainee referred us to para 4.5, 4.6 and 4.7 of the OA. In these paragraphs it is stated that in terms of the instructions issued by the Railway Board on 4.9.90 and 22.10.80, the respondents were required to give preference for reengagement to those

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casual labourers who had already put in work with the organisation and in preference to those casual workers who were engaged after them. The next circular of 12.6.87 stipulates that the respondents are required to maintain a Live Casual Labour Register for regulating the reengagement of services of the casual workers, whose services have already been dispensed with. On enquiry as to what were they doing from 1983 to 10.6.1983 when they filed this original application, the learned counsel submitted that they have been in contact with the Railway authorities with a view to seeking reengagement. The learned counsel also drew our attention to the MP seeking condonation of delay filed along with the OA. The contention in the MP is that after the issue of 1987 circular by the Railway Board, the applicants names should have been placed on the Live Casual Labour Register. This was not done despite their representations. A copy of one of the representation stated to have been filed is placed at Annexure A-2 to the application. This representation is dated 15.2.91 and has been submitted after about 8 years of termination of the services. At this stage, the learned counsel submitted that Shri B.S. Mainee is not feeling well and the case be adjourned to some other date to enable Shri Mainee to argue the case. We have considered the submissions made by the learned proxy counsel for the applicants and perused the documents on record.

4. Admittedly, the petitioners' services were terminated on 14.11.1983. They did not agitate the matter in a proper forum at the appropriate time. They did not even represent their case before the relevant authorities in terms of the instructions dated 4.9.80 and 22.10.80. Even after the Railway Board introduced the system of maintaining a Live Casual Labour Register they did not make any written representation to the concerned authorities. The matter has been agitated now only almost after a decade after their services were dispensed with. The case is, therefore, highly belated and is barred by the provisions of limitation made in the statute.

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5. In Ratan Chandra Samanta and others Versus The Union of India and others (JT 1993 (3) SC 418), the Hon.Supreme Court while dealing with the WP(Civil) No.71/1992, filed by casual labourers of the Railways at a highly belated stage observed:-

> "6. Two questions arise, one, if the petitioners are entitled as a matter of law for reengagement and other if they have lost their right, if any, due to delay. Right of casual labourer employed in projects to be reemployed in Railways has been recognised both by the Railways and this Court. But unfortunately the petitioners did not take any step to enforce their claim before the Railways except sending a vague representation nor did they even care toproduce any material to satisfy this Court that they were covered in the scheme framed by the Railways. It was urged by the learned counsel for the petitioners that they may be permitted to produce their identity cards etc. before opposite parties who may accept or reject the same after verification. We are afraid it would be too dangerous to permit this exercise. A writ is issued by this Court in favour of a person who has some right. And not for a sake of roving enquiry leaving scope for manoeuvring. Delay itself deprives a person of his remedy available in law. In absence of any fresh cause of action or by lapse of time loses his right as well. From the date of retrenchment if it is assumed to be correct a period of more than 15 years has expired and in case we accept the prayer of petitioner we would be depriving a host of others who in the meantime have become eligible and are entitld to claim to be employed....."

6. In the matter before us, the petitioners services were terminated in November 1983. They never approached the relevant authorities seeking protection under Railway Board's order dated 4.9.80 and 22.10.80, referred to, in para 4.5, 4.6 of of OA. They did not even represent for placing them in the Live Casual Labour Register in terms of order dated 12.6.87 referred to, in para 4.7 of the OA. They only represented their case on 15.2.91. In our opinion this is the case where the petitioners not only have lost remedy available to them in law, but have also lost their right to agitate the matter, as the case is barred under the privisions of limitation made under Section-21 of the Administrative Tribunal's Act, 1985.

7. The OA is accordingly dismissed as barred by limitation.

(C.J. ROY)
MEMBER(J)
5.7.93

(I.K. RASGOTRA)
MEMBER(A)
5.7.93

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