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Central Administrative Tribunal
Principal Bench, New Delhi.

O. A. No. 1517/93

New Delhi this the 3th day of February, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Sh. Gaj Ram Singh,
S/o Sh. Lakhan Singh,
R/o 75, Gali No.5,
Molar Band Colony Extn.,
Badarpur Border,
New Delhi.

Petitioner

(By advocate Sh. S.K. Sawhney)

versus

1. Union of India
through the General Manager,
Northern Railway,
New Delhi.
2. Divisional Railway Manager,
Northern Railway,
Muradabad.
3. Asstt. Engineer,
Northern Railway,
Hapur.
4. Inspector of Works,
Northern Railway,
Gajrola,
Distt. Muradabad.

Respondents

(By advocate Sh. Rajesh)

ORDER (ORAL)
delivered by Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman

A counter-affidavit has been filed in this
O.A. In it, it is admitted that the petitioner had
worked as a casual labour from 1.1.1979 to 14.11.1979
for a period of 273 days including 120 days continuous
service. However, it is stated that during the said
period, the petitioner had worked in the Emergency
Flood Work and, therefore, he would not be entitled to
the benefit of the circular dt. 2.3.1987 which would be

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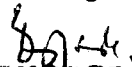
applicable to the Project Labour/Open Line Labour.

In opposition to this O.A., it is also contended that this application is barred by time. The question of limitation will have relevance if we record a finding that the petitioner was not entitled to be entered in the live casual register because he worked merely on the Emergency Flood Work. The learned counsel for the respondents has not been able to show us any ruling which distinguishes a person working on open line from a person working on Emergency Flood Work. He has not been able to show any rule indicating the circumstances under which a person can be considered to be working on open line work. We are not inclined to take the view that a person employed as casual labour in the Emergency Flood Work would not be deemed to be working on open line work. If that be so, the position emerges that the petitioner's name continues to be on the live casual register. Therefore, on each occasion a fresh appointment was made and the petitioner was not considered for such an employment, a fresh injury was inflicted upon him. Thus, this is a case where he will have a recurring cause of action. The question of limitation, therefore, does not survive.

The question now is that as to what relief is to be granted to the petitioner. Admittedly, he has been out of the employment for six years. The respondents shall now consider the case of the petitioner for a fresh appointment on merit and in accordance with law on the footing that he is borne on the live casual register.

With these directions, the O.A. is disposed of finally.

No costs.


(B.N. DHONDIYAL)
MEMBER(A)


(S.K. DHAWAN)
VICE CHAIRMAN

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