

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

D.A.NO.185/93

10

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

New Delhi, this 11th day of April, 1997

Shri Raj Veer
s/o Shri Ram Saroop
Ex-Casual Labour Gangman under
PWI (TRD), Northern Railway
Aligarh. ... Applicant

c/o Shri B.S.Mainee
Advocate
240 Jagriti Enclave
Delhi - 110 092.

(By Shri B.S.Mainee, Advocate)

Vs.

Union of India through:

1. The General Manager
Northern Railway
Baroda House
NEW DELHI.
2. The Divisional Railway Manager
Northern Railway
Allahabad. ... Respondents

(By Ms. B. Sunita Rao, Advocate)

O R D E R (Oral)

The applicant states that he had worked as Casual Labour (Gangman) under the PWI(TRD), Northern Railway, Aligarh for 206 days from 14.6.1982 to 14.4.1983 but his services have not been re-engaged after 14.4.1983. He claims that he made various representations and also met various officers of Railway but no relief has been afforded to him. Therefore, he has come to this Tribunal seeking a direction to quash the order vide which his services were terminated and to direct the respondents to re-engage him. The respondents ~~do not~~ deny the claim of the applicant and say that he only worked for seventy six and half days from 17.9.1982 to 2.12.1982. They also say that the working certificate submitted at Annexure A1 by the applicant is totally false as

12

Contd....2/-

11

no such certificate was issued. Further the applicant left the work on his own accord and never represented and therefore, his claim is barred by limitation.

2. We have heard the counsel on both sides. In terms of Railway Board's Instructions vide letter No.E(NG)II/78/CL-2 dated 25.4.1986 (Annexure R1), and the same circulated vide order dated 28.8.1987(Annexure R1) Casual Labour who were discharged after 1.1.1981 are entitled to have their names in the Live Casual Labour Register. In a similar case in OA No.2308/91 it has been held by a Co-ordinate Bench of this Tribunal that in such cases bar of limitation would not apply. The respondents however say that the claim of the applicant regarding the casual service rendered by him is not right but this requires verification. Accordingly this OA is disposed of with a direction that the applicant will make a representation within one month from today to the respondents along with full particulars of his services with proof in order to have his name included in the Live Casual Labour Register. In case such representation is received by the respondents, the respondents will take necessary action in accordance with law within two months, and the decision taken thereon will be intimated to the applicant with a speaking order.

3. OA is disposed of accordingly. No costs.

R.K. Ahuja -
(R.K. AHOOJA)
MEMBER(A)

/rao/