

8

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. 2096 of 1993
M.A. 3047 of 1993

New Delhi this the 1st day of June, 1994

Mr. Justice S.K. Dhaon, Vice-Chairman
Mr. B.N. Dhoundiyal, Member

1. Shri Veer Singh
2. Shri Chander Pal
3. Shri Roop Chand
4. Shri Harpal
5. Shri Om Parkash
All residents of C-61,
Janak Puri, New Delhi.

...Applicants

By Advocate Shri B.S. Mainee

Versus

1. Union of India through the
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
Moradabad.

...Respondents

By Advocate Shri H.K. Gangwani

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Vice-Chairman

The respondents were granted time on 4 occasions to file a counter-affidavit. No counter-affidavit is forthcoming. In the absence of counter-affidavit we have to proceed on the assumption that the averments made in the O.A. are correct.

The material averments are these. The applicants who are 5 in number were engaged as casual labourers under the PWI, Northern Railway, Dhampur, Moradabad Division in the year 1977 and 1978. They had been working intermittently whenever required to do so by the respondents in the years 1990-91. They having put in 120 days continuously had status acquired temporary

The prayers are: (1) Respondents may be directed to engage the applicants in service as casual labourers and regularise their services and absorb them in the Railway service. (2) the respondents may be directed to restore

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their names in the live casual labour register.

Indisputably, certain legal rights flow from the name of the inclusion of a casual labour in the live casual labour register. Two things are implicit in the prayer made in so far as the inclusion of the names of the applicants in the live casual labour register is concerned: (1) the names of the applicants ^{are} not included in that register at all; or (2) their names were included but thereafter deleted. It is not shown in the O.A. as to when the deletion of the names of the applicants took place. The rights of the applicants to be included in the live casual labour register accrued on 28.08.1987 when a circular was issued by the GM(P) of the Northern Railway Headquarters, New Delhi.

We have examined the matter with due care and we feel that, in any view of the matter, this O.A. having been presented in this Tribunal on 01.10.93 is a highly belated one and has to be rejected as barred by limitation.

Our jurisdiction to entertain an application is circumscribed by the period of limitation prescribed in Section 21 of the Act. Unlike the Hon'ble Supreme Court, where no limitation is prescribed under Article 32 of the Constitution, a litigant has to bring his application under Section 19 within the limitation prescribed under Section 21.

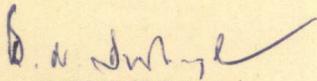
Our attention has been drawn by the learned counsel of the applicant on an order passed by their Lordships of the Supreme Court in the case of Meher Singh & Another Vs. Union of India & Others (Writ Petition No.833 of 1993 decided on 15.12.93). On the basis of the said order of the Supreme Court, the learned counsel for the applicants has urged that we should also pass an order on the lines passed by the Supreme Court. We are inclined to accept this prayer. We, therefore, direct the authority concerned in the Railways

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to examine the cases of the applicants in the light of the Circular dated 22.08.1987 and give them such advantage or benefit as may be permissible under the law and under the said circular.

Annexure A-2 to this O.A. is a true copy of the representation dated 30.05.1992 of the applicants to the Divisional Railway Manager, Moradabad. If this representation has not been disposed of as yet, the same shall be disposed of with a speaking order within a period of 3 months from the date of presentation of a certified copy of this order by any one of the applicants before that officer.

With these directions, this O.A. is disposed of finally but without any order as to costs.


(B.N. DHOUNDIYAL)
MEMBER (A)


(S.K. DHAON)
VICE CHAIRMAN

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