

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

60A 212/93

1/b

New Delhi this the 21th day of April, 1997

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri Hari Ram
s/o Shri Sampat Ram,
R/O H.No. 247, Gopal Nagar,
Najafgarh, New Delhi.

... Applicant

(By Advocate Shri A.K.Bhardwaj)

Vs.

1. Union of India
through : The General Manager,
Western Railway,
Churchgate, Bombay.

2. The Divisional Railway Manager,
Jaipur Division,
Western Railway,
Jaipur, Rajasthan.

3. Inspector of Works,
Western Railway,
Railway Station Kanwat.

(By Advocate Shri R.L.Dhawan) ... Respondents

ORDER (Draft)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

The applicant claims that he has worked as casual labourer with the respondents till 26.8.80 and as he has completed more than 120 days on this post, he should have been considered for grant of temporary status and for continuance in service. Shri A.K.Bhardwaj, learned counsel for the applicant has submitted that he would be satisfied if the ad interim order passed by the Tribunal dated 28.1.1993 is made absolute, and the respondents are directed to consider engaging the applicant as casual labourer, if the vacancy exists in preference to persons with lesser length of service and outsiders. He, however, has fairly submitted that after filing of this application on 25.1.1993, he has not received any instructions from the applicant as to whether he has been re-engaged by the respondents.

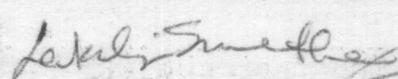
2. The respondents have not filed their reply. However, learned counsel for the respondents, Shri R.L.Dhawan, has been heard on behalf of respondents. The

learned counsel has correctly taken a preliminary objection on limitation that the applicant has himself stated that he was engaged only upto 1980 and this OA has been filed in 1993. He relies on a recent judgment of the Tribunal in Nihal Singh v. UOI & Ors (OA 1958/92) decided on 6.11.1996. He has also submitted that since the applicant has himself admitted that he has not worked after 26.8.80, there is no question of engaging the applicant as casual labourer and the subsequent order passed by the General Manager(NR) dated 14.8.87 is also not applicable. That letter from the General Manager applies only to persons who were in service on the cut off date i.e. 1.1.1981 for placing their names in the Live Casual Labour Register.

3. I have carefully considered the pleadings and the submissions made by the learned counsel for both the parties. No material has been placed on record by the applicant to show that the instructions issued by the General Manager dated 14.8.87 are applicable to him. The applicant has filed this application belatedly after 13 years from his last service with the respondents. Even an application for condonation of delay has not been filed along with this application and, therefore, there are no good reasons for allowing the same. The learned counsel for the applicant has also stated that the applicant probably is not interested in pursuing the matter. Therefore, in the facts and circumstances of the case, there is also no merit in the application.

4. In the result, for the reasons given above the application is dismissed on both merit and limitation. No order as to costs.

sk


(Smt. Lakshmi Swaminathan)
Member (J)