

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. 2644 of 1993  
M.A. Nos. 3660 and 3661 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 Haribhan Singh
2. Shri Prem Masih
3. Shri Suresh
4. Shri Jaspal

5. Shri Maheshpal Singh  
All the applicants were working as  
Ex-Casual Labour under  
Inspector of Works (Special),  
Northern Railway, Moradabad.

...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.
3. The Inspector of Works (Special),  
Northern Railway,  
Moradabad.

...Respondents

By Advocate Shri H.K. Gangwani

ORDER (ORAL)

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

Despite time being granted to the learned counsel for the respondents on 4 occasions to file a counter-affidavit, no such affidavit has been filed. We have, therefore, to proceed on the assumption that the averments made in the O.A. are correct.

2. The material averments are these. The applicant No.1 Shri Haribhan Singh last worked with the respondents as a casual worker till 28.12.1981. He completed 192 days of service between 20.11.1978 and 30.05.79. The applicant No.2 Shri Prem Masih last worked to the respondents till 08.07.1981. He did not complete 120 days of service in one particular year. The applicant No.3 Shri Suresh last worked with the respondents till 30.06.1984. He

rendered 164 days of service between 1.1.1981 and 15.5.81. The applicant No.4 Shri Jaspal last worked with the respondents till 28.04.1982. He rendered 265 days of service between 3.4.1978 and 13.03.79 and 145 days of service between 4.1.1982 to 28.04.1982. The applicant No.5 Shri Maheshpal Singh last worked with the respondents till 30.01.1984. Between 20.11.78 and 30.03.79 he had rendered service to the respondents for a period of 148 days. The prayers to this O.A. are these:-

(i) The orders whereby the services of the applicants were terminated may be quashed and the respondents may be directed to reengage them in service.

(ii) The respondents may be directed to place the name of the applicants in the live casual labour register in accordance with their seniority.

3. Somewhat similar controversy has been disposed of by us in O.A. 2096 of 1993 in Veer Singh & Others Vs. Union of India & Others. In this O.A too, the applicants, in our opinion, have not been able to get over the question of limitation. However, in the aforesaid O.A. we have given certain directions to the respondents. We propose to give the same directions in this O.A. also. If the applicants have made individual representations, the said representations shall be disposed of in the manner indicated by us in the aforesaid O.A. If, however, they have not made representations, they shall do so within 3 weeks. If that is done, the respondents shall dispose of the same in the light of the directions given by us in O.A. 2096 of 1993.

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

5. The Registry is directed to give to the applicants alongwith a copy of this order, copy of the order passed in O.A. 2096 of 1993. A copy of the order passed in O.A/2096/93 be placed in all the connected cases.

*B.N. Dhoundiyal*  
(B.N. DHOUNDIYAL)  
MEMBER (A)

*S.K. Dhaon*  
(S.K. DHAON)  
VICE CHAIRMAN