

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

HON. SHRI R.K. AHOOJA, MEMBER 'A'

O.A. NO. 343/93

NEW DELHI, THIS 24TH DAY OF APRIL, 1997

SHRI SUNIL KUMAR SAXENA
S/o Sh. Hari Shankar

Ex-Casual Labour
Under the DRM
N.E. Railway
Izatnagar

C/o Sh. B.S. Mainee
Advocate
240 Jagriti Enclave
Delhi-92

..APPLICANT

(By Advocate - Shri B.S. Mainee)

VERSUS

1. The General Manager
N.E. Railway
Gorakhpur
2. The Div. Rly. Manager
N.E. Railway
Izatnagar
3. The Station Supdt.
N.E. Railway
Pilibhit

..RESPONDENTS

(By Advocate - ~~Shri~~ Shri P.S. Mahendru)

ORDER 'ORAL'

The applicant claims that he was engaged as a Casual Labour from 16.11.75 to 9.12.75 under the IOW, Pilibhit and later was engaged as Volunteer Ticket Clerk for different periods during 1984 at various places. He submits that after that though he sought re-engagement as Mobile/Volunteer

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Booking Clerk on the basis of instructions issued by Railway Board on 6.2.1990, his case was not considered. He has now come before the Tribunal seeking a direction to the respondents to re-engage him as casual/volunteer ticket collector and to regularise him as a Railway servant.

2. The respondents in reply state that in accordance with INDER PAL YADAV's case, representations were called for from the eligible casual labour for registering their names in the Live Casual Labour (CL) Register. Since no request was received from the applicant, his name was not entered. They also deny that the applicant is entitled to the benefit of various decisions of this Tribunal cited by him for re-engagement as Mobile Booking Clerk.

3. I have heard the counsel on both sides. Shri Mainee arguing for the applicant, submits that in terms of various judgements of this Tribunal which have been upheld by the Supreme Court, the applicant is entitled for re-engagement as Mobile Booking Clerk. In this connection, he cites the judgement of this Tribunal in RAJ KUMAR ROY & ORS. VS. UOI OA NO.314/92 and says that the facts of this case are similar. Shri Mahendru, ld. counsel for the respondents, however, submits that the application is time barred since the Railway Board instructions were issued in 1990 and the present O.A. has been filed in 1993.

4. I have considered the matter carefully. The instructions issued by the Railway Board (A-6) state that Mobile Booking Clerks who ~~were~~ engaged as such before 17.11.86 may be considered for absorption against regular vacancies subject to other conditions and they may be re-engaged as Mobile Booking Clerks as and when they approach the Railway

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Administration for such re-engagement. There is another order dated 12.8.1992 in which it was stated that the said scheme will be kept open upto 13.9.1992. The present O.A. was filed in February 1993 and therefore the objection of respondents that the O.A. is time barred cannot be accepted. In a similar case, a coordinate Bench of this Tribunal in its order dated 10.10.1996 in OA NO.450/95 LAKSHMI CHAND VS. UOI & ORS. has also held that since the case of the applicant is covered by the decision of the Supreme Court in SLPs No.14756/93 and 20114/93 UOI VS. P.K. SRIVASTAVA & ORS., the question of limitation would in any case not stand in the way of the applicant getting the relief from the court.

5. In the facts and circumstances of the case, the present O.A. is disposed of in terms of the decision of this Tribunal in OA No.314/92 ('Supra') with a direction to the respondents to re-engage the applicant as Casual/Volunteer Mobile Booking Clerk and to consider him for regularisation/absorption after completion of three years' service subject to fulfillment of minimum qualifications laid down for direct recruits. No order as to costs.

R.K. Ahuja
'R.K. AHUJA'
MEMBER 'A'

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