

CENTRAL ADMINISTRATIVE TRIBUNAL, ALIAHABAD BENCH,
ALIAHABAD

Dated : Allahabad this the 22nd day of November, 1996.

Coram : Hon. Mr. S. Das Gupta, Member-A
Hon. Mr. T. L. Verma, Member-J

Original Application No. 1209 of 1996.

1. Amarnath, son of Ramanand, r/o.village
Ekla No.2, Tola Pidara, Post Gulria Bazar,
Distt.Gorakhpur.
2. Mohd. Zaheer, son of Yateem, r/o. village
Ekla No.2, Tola School Wala, Post Gulria,
District Gorakhpur.
3. Baijnath, son of Baliram, r/o. village Sonvarasa,
post Khurhan, Distt. Gorakhpur.
4. Sukhnandan, son of Kundu, r/o. village Sekhpurva,
Tola Darogaji, Post Gulria, Bazar, Distt.
Gorakhpur.
5. Sipahi, son of Badri, R/o. village Baidapur,
post Vardadia, Distt.Chapra,
6. Jamadar, son of Ram Lagan, r/o. village and Post
Olhanpur, Distt. Chapra,
7. Jamadar, son of Ram Kasisun r/o. village and post.
Olhanpur, Distt. Chapra.
8. Brijanand Yadav, son of Shankar, r/o. village
Nandanagar, Post Kudaghar, Distt. Gorakhpur.
9. Ranjit Yadav son of Ram Dulare r/o. village

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Gharaudi Post Bharaoli, District Gorakhpur.

10. Parmeshwar Singh son of Kailash Singh, r/o. Village and Post Sidhorva, Distt. Gorakhpur.
11. Sheelanath, son of Raghuvir, R/o. village Jamuna, Post Musehari, Distt. Chapra.
12. Sachidanand son of Parma Rai r/o. village Jamuna Post Musehari, Distt. Chapra.
13. Majid son of Alla, r/o. village Mohanapur, (Ghosipurva) post Padri Bazaar, Distt. Gorakhpur.

.....Applicants.

(C/A Shri G. D. Mukherji & Sri S. Mukherji)

Versus

1. General Manager, North Eastern Railway, Gorakhpur.
2. Deputy Chief Engineer Gorakhpur Area, North Eastern Railway, Gorakhpur.

.....Respondents.

(C/R Sri Prashant Mathur)

O R D E R (Oral)

(By Hon. Mr. S. Das Gupta, Member-A)

This O.A. under Section 19 of the Administrative Tribunals Act, 1985 has been filed seeking a direction to the respondents to enter the names of the applicants in the Live Casual Labour Register being maintained by the respondents in accordance with the principles of seniority.

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2. The facts averred in the O.A. are that the applicants ^{to} were 13 in number, have all worked for more than 240 days in the office of the Deputy Chief Engineer, Gorakhpur, ^{to} whereafter the casual labourers in the open line under the respondent No.2 were all dis-engaged. Their names did not find place in the Live Casual Labour Register as they were dis-engaged prior to 1.1.1980. However, subsequently the Railway Board issued a letter dated 4.3.1987 providing that the names of those candidates who were discharged before 1.1.1981 would also be placed in the Supplementary Live Casual Labour Register after verification of the genuineness of the claim of such casual labourers by a Committee of Officers in each Division. This letter ^{for} supposes that the concerned casual labourers must ^{file} claim for inclusion of their names in the Supplementary Live Casual Labour Register ^{and} thereafter their claims would be verified. There is nothing in the averment to indicate that the applicants filed their claim in this regard and such claims were dis-regarded or rejected. There is no provision in the aforesaid order for suo-moto inclusion of the casual labourers who were dis-engaged prior to 1.1.1981

3. Shri Prashant Mathur appearing for the respondents informed that these orders, contained in letter dated 4.3.1987 were given wide publicity. It was for the applicants to have responded ^{to} through this circular and if they have failed to do so, they cannot

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^{adjudicate}
~~adjudicate~~ the grievance after so many years. The applicants have sought reliance on the decision of a bench of this Tribunal in the case of Baij Nath and others Vs. Union of India and others in O.A. No. 73 of 1993. A copy of this order dated 15.10.92 has been annexed to the O.A. It appears from the said order that the O.A. was filed by 190 applicants seeking their inclusion in the Supplementary Live Casual Labour Register. This was allowed and a direction was given that all 800 applications which had ^{been} received, be scrutinized and the names of the applicants be entered in accordance with the principles of seniority. There is no averment in the O.A. that the present applicants are among those 800 whose applications were directed to be considered. We, therefore, see ~~any~~ ^{no} reason ~~for~~ ⁱⁿ granting benefit of the aforesaid decision to the present applicants.

4. In view of the foregoing, the present application is wholly time-barred and dismissed accordingly. Nothing in this order shall, however, preclude the respondents from considering and disposing of the representations on merit, stated to have been submitted by the applicants for inclusion of their names in the Live Casual Labour Register.


Member-J


Member-A

Dated : Nov. 22, 1996.

(pandey)