

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
A L L A H A B A D

DATED : ALLAHABAD MARCH 12th, 1996.

CORAM : Hon'ble Mr. Justice B. C. Saksena, V.C.  
Hon'ble Mr. S. Das Gupta, Member-(A)

ORIGINAL APPLICATION NO. 268 of 1996.  
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1. Nagmani Sharma, son of Shri Chotey Lal Sharma,  
R/o. Sahuli, Post Sahuli, Thana Huseinganj,  
District Sivan.
2. Lallan Sah, son of Shri Ram Prasad Shah,  
R/d. village and Post Sahuli, Thana Huseinganj  
District Sivan.
3. Yadunath son of Shri Bhunwar Sah, r/o.  
Village and Post Sahuli, Thana Huseinganj,  
District Sivan.
4. Chandradev Sah, son of Ramdhyan Sah, r/o.  
Village and Post Sahuli, Thana Huseinganj,  
District Sivan.
5. Bhojla son of Shri Umrao r/o. village and  
post Sahuli, Thana Huseinganj, District Siwan.  
....Applicants.

(THROUGH ADVOCATE SHRI G. D. MUKHERJI & SRI SATYAJEET  
MUKHERJI)

Versus

1. Union of India through the General Manager,  
North Eastern Railway Gorakhpur.
2. Chief Engineer, Gorakhpur Division, North  
Eastern Railway Gorakhpur.
3. Deputy Chief Engineer Gorakhpur Division,  
North Eastern Railway Gorakhpur.
4. Divisional Railway Manager, North Eastern  
Railway, Varanasi.

.....Respondents

O R D E R (Oral)  
(By Hon'ble Mr. Justice B. C. Saksena, V.C.)

Through this O.A. the applicants seek an  
order and direction in the nature of mandamus  
directing the respondents to reinstate them and

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regularise their services on the basis of seniority in the unit. A further prayer made is that the respondents be restrained from giving any employment to Casual Labourers from outside and take work from the present applicants.

2. Learned counsel for the applicants has not been able to indicate any statutory <sup>provision</sup> ~~reason~~ ~~any~~ conferring <sup>any</sup> ~~the~~ legal right for the claim of regularisation. The applicants' case is that they had worked at some intermittent period during the years of 1980-81 and the names of the applicants have been placed in the Live Casual Labour Register. In the O.A. it has not been indicated that any one below in the Live Casual Labour Register has been given appointment or considered for screening.

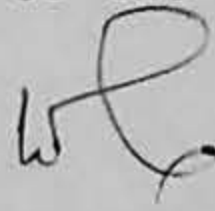
3. The learned counsel for the applicants submitted that in view of the decision in Hukum Singh case rendered by the Principal Bench reported in 1993(24) A.T.C. 747(Hukum Singh Vs. Union of India and others), the applicants have continuous cause of action. There is a mis-understanding with regard to this concept of continuous cause of action. It would only mean that notwithstanding the termination of services of applicants in 1980-81 if any one, he <sup>being lower</sup> ~~be however~~, on the Live Casual Labour Register is re-engaged then the applicant can take the benefit of continuous cause of action and the O.A. if preferred by them would not be barred by limitation. Present cause of action has not been disclosed ~~anything~~ which would give fresh cause of

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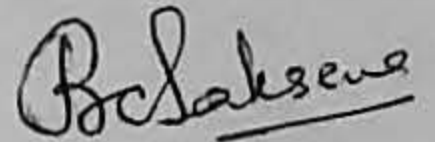


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action for filing this O.A. The O.A. is mis-  
conceived and is dismissed summarily. Nothing  
in this order will however, affect the right of  
the applicant, if any, <sup>for being</sup> called ~~and~~ for screening or  
for regularisation, if Railway authorities call  
the persons, junior in the Live Casual Labour  
Register to the applicant, for that purpose.



MEMBER (A)



VICE-CHAIRMAN

Dt/- ALLAHABAD MARCH 12, 1996.

(pandey)