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CENTRAL ADMINISTRATIVE TRIBUNAL, ALIAHABAD BENCH.
ALIAHABAD.

DATED This the 3rd Day of December, 1996.

Hon'ble Mr T.L.Verma. JM.

Hon'ble Mr. D.S. Bawaja. AM.

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ORIGINAL APPLICATION NO: 37 Of 1996.

Harsh Narayan Shukla son of Late Sri-

Uma Shanker, Resident of village: Mangauri,

post office: Baghari, District: Basti.

C/A. Sri R.P. Singh.

- - - - - Applicant.

Versus

1. Union of India through the Secretary, ~~Rixan~~

Ministry of Railways, Rail Bhawan, New Delhi.

2. The General Manager (P), N.E. Railway, Headquarters,

Gorakhpur.

3. The Chief of Administrative Officer, (Construction),

N.E. Railway, Gorakhpur.

4. Divisional Railway Manager (P) N.E. Railway,

Varanasi.

5. Inspector of Works, N.E. Railway,

Padrauna and Basti Railway -

Station.

.. -- Respondents.

C/R. Sri P. Mathur.

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O R D E R (Oral)

(By Hon. Mr. T. L. Verma, Member-J)

The applicant in this O.A. seeks a direction to the respondents to enter his name in the Casual Labour Register and to engage him in preference to the juniors and outsiders and also to consider him for re-engagement in preference to the juniors and for regularisation in accordance with the seniority in the Casual Labour Register.

2. From the averments made in the O.A., it appears that the applicant claims to have worked as Casual Labour from 1.9.1973 to 31.3.1974 for 212 days continuously. The further case of the applicant is that he learnt that those Casual Labourers who were dis-engaged in 1974 are being considered for re-engagement. In response to the aforementioned information, the applicant submitted an application on 31.1.1991, for his re-engagement. When the applicant was not given re-engagement in response to the application, submitted by him, he submitted a representation on 11.8.1995 addressed to the Respondent No.2 for his re-engagement and regularisation. This was followed by reminder dated 4.9.1995. It is stated that the representation submitted by the applicant failed to yield any result. Hence, this application for the relief as mentioned above.

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3. The applicant, admittedly was dis-engaged on 31.3.1974. The first representation for re-engagement, as averred in the O.A. was submitted on 11.8.1995. The applicant, thus, did not take any step to enforce his claim, if any, for 21 long years. The case of the applicant, thus, is prima-facie barred by limitation. There is no material before us to show that the respondents had in fact, invited applications from Casual Labourers dis-engaged prior to 1974 for their re-engagement, as may provide the fresh cause of action for the applicant for filing this application. There has thus, been ~~an~~ inordinate delay on the part of the applicant in taking steps for vindicting his claim, if any. He cannot, therefore, ^{the matter} be allowed to agitate after such a long time.

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4. It may not be out of place to mention here that in the year 1987, the Railway Board had issued instructions to the concerned Railway Authorities to invite applications from such Casual Labourers, who had been dis-engaged prior to 1981 and after examining their cases, the names of such of them who, after verification, are found to have worked prior to that date, be included in the Supplementary Casual Labour Register. The applicant does not appear to have availed that opportunity by filing an application within the stipulated period and get his name included in the Supplementary Live Casual Labour Register.

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5. In the circumstances as discussed above we find that the claim of the applicant has become stale and the same therefore, is barred by limitation. This application therefore, is dismissed in limini.


Member-A


Member-J

(pandey)