

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 20th day of April, 2000.

Hon'ble Mr. M.P. Singh, Administrative Member.

Original Application no. 1005 of 1996.

Chaturbhuj Sahai Srivastava,
S/o Shri D.P. Srivastava,
R/o Village, Almapur,
P.O. Malawan Khurd, Distt. Allahabad.

... Applicant

C/A Shri S.K. Mishra
Shri R.M. Saggi

Versus

1. Union of India,
through General Manager,
Northern Railway, Rail Bhawan,
Baroda House, New Delhi.

2. Divisional Railway Manager,
Northern Railway,
Allahabad.

... Respondents.

C/R Sri P. Mathur

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O R D E R

Hon'ble Mr. M.P. Singh, Member-A.

The applicant was engaged by the respondents as waterman from time to time as and when required. He completed 240 working days as waterman. According to him a panel for regularising the watermen was declared by the Railways in which the name of the applicant was placed at serial no. 1. The persons who were junior to the applicant, have already been made regular considering the fact that they have served in the Department for more than 120 days. The applicant has also completed 240 days and should have been considered for regularisation. He has alleged that although he has put in 240 days service, yet he has not been considered for regularisation despite several representations made by him to the department.

Aggrieved by this he has filed this O.A seeking the following reliefs:-

- a. issue a writ, order or direction in the nature of mandamus directing the respondents to consider the names of the applicant for his regular absorption with all consequential benefits,
- b. issue, a writ, order or direction in the nature of Mandamus directing the respondents to engage the applicant for the year 1996 on the same post which he has been holding previously since the year 1977,
- c. issue a writ, order or direction in the

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nature as this Hon'ble Court may deem fit and proper in the circumstances of the case.

d. award cost of the petition.

2. The respondents in their counter affidavit have stated that the claim of the applicant for screening and regularisation on the basis of alleged working of seasonal waterman in the organisation is based on the false evidence made by the applicant. On verification from the concerned Station Superintendent, Meja Road it was revealed that neither the claim of the applicant is entered in the live casual labour register maintained by the Station Superintendent nor the name of the applicant is available on any of the record maintained by the administration. A true perusal of the detailed verification would reveal that the applicant at no point of time had worked as seasonal waterman. In order to avoid fraudulent claim the Railway administration had computerised the list of casual labours. Since the name of the applicant does not appear in the live casual labour register or in any other record as such question of getting applicant's name entered in the computerised list does not arise. The respondents have also stated that the application is not within time as prescribed under section 21 of the Central Administrative Tribunal's Act, particularly in the circumstances when as per his own record the applicant ceased to work in 1977 and on the contrary

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the present O.A. had been filed in the year 1996.

It is a settled principle of law that the representation will not extent the period of limitation. More so, the representations as filed by the applicant, in the extant application, would reveal as ~~neither~~ ^{AL} there is no seal of the receiving authority and more-over no date has been mentioned by the alleged receiving authority.

3. Heard Shri S.K. Mishra, learned counsel for the applicant and Shri P. Mathur, learned counsel for the respondents and perused the record.

4. Since the respondents challenged the authenticity of the certificate of work submitted by the applicant, they were directed on 23.12.1999 to produce the original record including certificate issued by the Station Supdt. The learned counsel for the respondents has produced the original record.

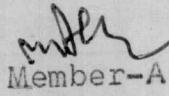
After perusal of the record it is found that the name of the applicant is not entered in the live casual labour register, Meja Road. Therefore, the claim of the applicant of having worked for 240 days, as per certificate submitted by him does not appear to be correct. Moreover, according to his own admission the applicant has ceased to work in the year 1977, but on the contrary the present application has been filed by him in the year 1996 i.e. after a period of 21 years. Merely giving representation from time to time will not extend the period of limitation. Hence on this account

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also the contention of the applicant for his regularisation is not tenable.

5. In the light of the above facts & circumstances of the case, the O.A. is devoid of merit and is dismissed accordingly.

6. No order as to costs.


Member-A

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