

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 24th day of December, 1999.

Original Application no. 829 of 1996.

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

Nand Kishore,
S/o Sri Lala Ram,
R/o Outside Bada Gaon Gate,
Behind Gopal Ki Bagiya,
Jhansi.

... Applicant

C/A Shri Rakesh Verma

Versus

1. Union of India,
through the General Manager,
Central Railway,
Bombay. V.T.
2. Senior Divisional Electrical Engineer,
Electric Loco Shed,
Central Railway,
Jhansi.

... Respondents

C/R Sri P. Mathur

...2/-

MS

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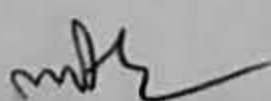
ORDER

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

The applicant was initially engaged as casual labour (Khalasi) from 19.04.82 to 18.07.82, thereafter from 06.06.87 to 28.07.87. He was again engaged as casual Khalasi from 30.07.87 to 18.09.87. He was last engaged from 13.06.91 and continued up to 10.08.91. The applicant's contention is that he has worked for more than 120 days but has not been granted temporary status, whereas similarly situated several persons have been regularised.

2. The applicant feeling aggrieved, approached the Assistant Labour Commissioner and raised the industrial dispute. Assistant Labour Commissioner, in turn referred the matter to Government of India, Ministry of Labour vide its letter dated 21.04.94, rejected the claim of the applicant. The applicant has filed the application in the Central Administrative Tribunal on 31.07.96 seeking relief for issuing direction to the respondents to accord the benefit to the applicant of circular no. E(NG)11/83/CL/117 dated 25.01.85 and grant him temporary status. He has also requested that the name of the applicant be entered into casual live register to employ him in accordance with the seniority.

3. The respondents have stated that no person junior to applicant has been granted any temporary status or has been regularised in the organisation. They have further stated that the applicant has not worked for 120 days in a year and as such had not rightly been granted the requisite status, according to them Ministry of Labour ,

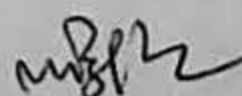


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New Delhi, had declined the applicant's claim vide their letter dated 21.04.94, clearly stating that "none of them had worked for 120 days in a year to be eligible for granting the temporary status." (Annexure 6). In this eventually possibility can not be ruled out that the applicant is not at all entitled for granting such status. The respondents have also attacked the applicant on the ground that the application is not within the limitation as prescribed under section 21 of the A.T. Act, 1985, as cause of action, if any, had accrued in the year 1989. On the contrary the present application had been filed in the year 1996. No plausible explanation has been given by the applicant for filing the O.A. after such ^{an} inordinate delay. In the case of Ratan Chnad & others Vs. Union of India & others, 1994 (26) ATC 228, Hon'ble Supreme Court held :-

"Delay itself deprives a person of his remedy available in law. In absence of any fresh cause of action or any legislation, a person who has lost his remedy by lapse of time loses his right."

4. It is clear from the above facts that the applicant had not worked for 120 days in a year as required under the Railway Boards letter dated 25.01.85. On this ground his claim has also been rejected by the Ministry of Labour, More-over, no plausible reasons have been given for not filing the O.A. within time limit required under section 21 of the A.T. Act, 1985. The OA is dismissed accordingly. No order as to costs.


Member-A

/pc/