

OPEN COURT

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

* * * * *

Allahabad : Dated this 17th day of September, 1996

Original Application No. 939 of 1996

District : Firozabad

Hon'ble Mr. S. Das Gupta, A.M.
CORAM :- Hon'ble Mr. T.L. Verma, J.M.

Mura-li Lal S/o Sri Banwari Lal R/o Village Nagla Gwalior,
Post Paigoo, District-Firozabad.

(By Sri Anand Kumar, Advocate)

. Applicant

Versus

1. Union of India through General Manager,
Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway,
Allahabad.
3. Permanent Way Inspector, Northern Railway,
Mainpuri.

. Respondents

ORDER (Oral)

By Hon'ble Mr. S. Das Gupta, A.M.

This application has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking re-engagement of the applicant as casual labour and for his absorption on regular basis on Group 'B' post.

2. The facts averred in the OA disclose that the applicant was engaged as a casual labour on 9-2-1996 and he claims to have worked upto 12-9-1979 with some artificial breaks. He also claims that he worked for more than 120 days continuously and thus obtained the status of a temporary Railway employee. The working certificate annexed to the application indicates that the applicant worked for 366 days from 9-12-1976 to 12-9-1979. His grievance now

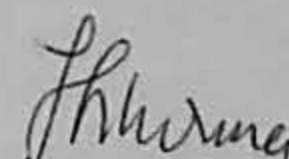
W.L.


is that certain persons have been appointed much after he was dis-engaged, but he was not considered for re-engagement or regularisation. In support of his contention he has annexed a letter dated 15-11-1994 by which the General Manager, Northern Railway had accorded approval for the engagement of one Sri Sahid Ali Khan.

3. The dis-engagement of the applicant took place way back in September, 1989 as per his own admission. There is nothing on record to indicate that his name was maintained on the live casual register. All that is indicated is that the work certificate ^{refers to} is on some register.

4. In 1987, the Railways had given a fresh opportunity to dis-engaged casual labours to get their names entered in the Supplementary Live Casual Register. It would be clear from the averments that the applicant did not take this opportunity to get his name entered. He has only approached this Tribunal after 17 years.

5. It is also seen that through out all this period of 17 years, not even one representation has been made by the applicant for his re-engagement. In these circumstances, we do not consider this case is fit for admission. The applicant is guilty of delay and laches and, therefore, he cannot expect this Tribunal to come to his assistance. The application is, therefore, dismissed in limine.


Member (J)


Member (A)

Dube/