

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD

Original Application No. 1009 of 1996
Allahabad this the 27th day of April 2000

CORUM

Hon'ble Mr. S. Biswas, Administrative Member

- 1- Sothebandhu Mishra, son of Sri Ram Narain Misra
r/o Village Jainpur, Post Jainpur, District
Gorakhpur.
- 2- Jhagdu Prasad, son of Bhulli, r/o Village
Jainpur, Post Jainpur, District, Gorakhpur.

.....Applicants.

By Advocates Shri G. D. Mukharjee
Shri S. Mukherjee

Versus

- 1- The Union of India: through the General
Manager, North Eastern Railway, Gorakhpur.
- 2- The Chief Engineer, Gorakhpur Division,
North Eastern Railway, Gorakhpur.
- 3- The Inspector of Works (Construction) North
Eastern Railway, Gorakhpur.
- 4- The Inspector of Works (Workshop) North
Eastern Railway, Gorakhpur.

.....Respondents.

By Advocate Amit Sthalekar

O R D E R

By Hon'ble Mr. S. Biswas, Member (A)

This is a joint application of two. The

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S. S.

(2)

applicants ~~S.B.~~ were statedly casual workers for 397 days and 361 days respectively in the office of the respondents 3 and 2 from 1970 to 1975. The works have been certified by the town engineer and Inspector of works. They were disengaged respectively on 20-11-75 and 15-08-75.

(2) The respondents maintained no Casual Labour registers. for this period. Nor any casual Labour Card was issued to them. at that time. Since verbal assurance for reengagement given to them were not honoured, both submitted petitions to the respondents in 1996. As there was no reply, a cause of action made was ~~not~~ to file the O.A. as meanwhile their juniors were absorbed. The reliefs sought is that they ~~have~~ ^{are} reinstated ~~or~~ or given employment in any other suitable posts.

(3) Heard the Counsels for both on the above application. The counsel for applicant ^{has} ~~argued~~ submitted a written brief on the ^{considered} arrangements which have also been ~~demanded~~. The counsel for the respondents has averred that the applicants ~~were~~ on line casual workers and disengaged for want of sufficient vacancies. Question of absorption of the applicants did not arise, Except in pursuance of CAT's orders, no fresh faces have been absorbed by the respondents and that too subject to availability of vacancies.

(4) The applicants neither have any casual work card, nor their names figure in the live casual labour's Register. They were disengaged in 1975. The application has been filed only in 1996- after 20 years. Hence, the petition is grossly time barred, in the light of Hon'ble S C's decision in 1996(32) ATC. 70(SC) in UOI vs. Pradeep Saxena.

(5) The live casual labour's register is maintained since 1993.

The retrenched workers were given due opportunity in 1993 itself (vide No. E/57/1 dated 25-11-93) They were invited to get them enrolled there with evicence. The applicants did not avail this opportunity also. Their names do not figure in the said live casual labour register nor they have any labour card. Consequently they are not within the purview of any rule or set regulation ~~for~~ ^{to} ~~eligible~~ ^{for} engagement.

- (6) In Ratan Chandra Samant others Vs. UOI writ petition civil No.71 of 1992 and writ petition civil No. 323 on 1993 the issue of delay beyond 15 years was settled. It was held that a person would lose his right due to lapse of time, In this case, the applicants were retrenched between 1975-79 but agitated their case after 15 years. The petition was dismissed.
- (7) The counsel for ~~applicant~~ submits that Indra Pal Yadav case is also not relevant, as his initial appointment was against permanent vacancy.
- (8) There is notable force in the submissions made by the ~~xx~~ respondents counsel . The applicant's counsel has nor succeeded to bring any evidence that juniors of the applicants were absorbed. Kesri Nanda pandey's case has not been backed up by evidence that he was their junior and that he was indeed reengaged.
- (9) In view of above there are no merits in the application. The application ~~on which~~ is ~~a~~ dismissed as grossly time barred.

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There will be no order as to costs.

S. B. S.
Member (A)

Ab/