

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

ORDER

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

This is a joint application of two. The

..... Page 2

S. A.

(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 ^{are} ~~have~~ reinstatement ~~or~~ given employment in any other suitable posts.

(3) Heard the Counsels for both on the above application. The counsel for applicant ^{has} submitted a written brief of ^{arguments} the ~~arrangements~~ which have also been ^{considered} ~~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 labours 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.

