

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Dated, Allahabad, this 5th February, 2001

CORAM: Hon'ble Mr. Rafiq Uddin, Member (J)Original Application No. 1389 of 1997

Raj Pal S/O Shri Sukhram
resident of village Chukherpur,
Post- Pehrare, District- Aligarh

....Applicant

Counsel for the applicant : Shri A.Dwivedi
Shri S.DwivediVERSUS

1. Union of India through the General Manager,
Northern Railway, Boroda House, New Delhi
2. The Divisional Rail Manager,
Northern Railway, Allahabad
3. The Assistant Engineer, P.O.R.S., Northern
Railway, Aligarh
4. The Permanent Way Inspector, P.Q.R.S.
Northern Railway, Aligarh

.....Respondents

Counsel for the Respondents : Shri A.Sthalekar

ORDER

(Open Court)

The applicant Shri Raj Pal S/O Shri Sukhram
by this application seeks direction to the Respondents
to include his name in the live Casual Labour Register and
to consider his case for absorption in the regular vacancy of Class IV
employee. The applicant further seeks direction to be
issued to the Respondents to consider him for giving
Casual appointment as and when necessity for the same

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arise till his regularisation in accordance with law.

The applicant claims that he was engaged as Gangman under the Respondents on 6.8.1984 and was posted under P.W.I P.Q.R.S., Northern Railway, Aligarh. The applicant was allowed to continue in service on the said post upto 5.9.1985 and thus he worked for 326 $\frac{1}{2}$ days during the aforesaid period the applicant by operation of law acquired status of temporary Gangman and became entitled to avail all the benefits which are available to temporary Railway servant. However, after 5.9.1985 the Respondent discontinued him without given any opportunity of being heard and retained some junior persons. The applicant claims that he made number of representations for his re-engagement in the Department of Railway and also approached the competent authority personally for his re-engagement but without any success and hence he has filed the present O.A. for the ^{said} ~~same~~ relief.

I have heard Shri Anil Dwivedi, Learned Counsel for the applicant and Shri A.Sthalekar, Learned Counsel for the respondents.

Learned Counsel for the Respondents has submitted that the present O.A. is not maintainable being grossly time barred. It is contended that since the cause of ~~exist~~ action to the applicant arose in the year 1985 when he was allegedly discontinued with effect from 5.9.1985 whereas the applicant has filed the application in 1999

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clearly appears time bar and the applicant has also mentioned in his O.A. that four fresh candidates were appointed on regular basis as Class IV employee in the year 1993, even then the cause of action to the applicant arose in the year 1993 and hence the O.A. is not maintainable.

The following question was preferred to ~~by~~
~~and this~~
 a full Bench of this Tribunal. ~~This~~ question was answered by full bench of this Tribunal in "Mahavir and others Vrs. Union of India" reported in 2000(3)

ATJ page 1 as under :

"(a) Whether the claim of a casual labourer who has worked prior to 1.1.1981 or thereafter with the respondents i.e. Railway Administration has a continuous cause of action to approach the Tribunal at any time, well after the period of limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985, to get a direction to have his name placed on the Live Casual Labour Register, in other words, whether the provisions of the relevant Railway Board circulars for placing his name in the LCL Register gives him a continuous cause of action."

~~2 way held~~

~~R~~ by ~~stating~~ that provision of section 21 of the Administrative Act, 1985 prescribing the period of limitation will be applicable to the applicant for seeking benefits of the Circular issued by the Railway Board dated 25.4.81, ~~which~~ ^{provides} 28.8.1987 which ~~placed~~ placement of names in the ~~SLR~~ Register ~~on~~ the Live Casual Labour Register. In the present case also the applicant had admittedly worked till 5.9.1985 whereas he had approached the Tribunal in the year 1999. The O.A., is, therefore, not maintainable for being time barred and the O.A. is accordingly dismissed.

No order as to cost.

Ram Mohan
JM