

(9)

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

* * *

Allahabad : Dated this 13th day of January, 2000

Original Application No. 213 of 1997

District : Jhansi

CORAM:-

Hon'ble Mr. S. Biswas, A.M.

Vishun Lal
S/o Late Shri Devi
R/o House No. 126, Mohalla Mahaviranpura,
Nagra, Jhansi.

(Sri R.K. Nigam, Advocate)

.... Applicant

Versus

1. Union of India
Through General Manager,
Central Railway, Mumbai. C.S.T.
2. The Chief Workshop Manager,
Central Railway Workshop,
Jhansi.

(Sri G.P. Agrawal, Advocate)

... Respondents

ORDER

The applicant has sought regularisation as a casual labour on the basis of the Railway Ministry Circular dated 3-9-1996. According to this Circular approximately 56,000 casual labourers on the roll of Railways on 30-4-1996 were to be regularised by December, 1997 as on one time measure. The applicant has cited that as cause of action he has also submitted 5 slips dated 2-12-1983, 6-8-1983 and 9-12-1985 (containing three slips) to show that he was a casual labour of the Railway Department at Jhansi Central Railway Workshop. In all he has worked from 3-5-1982 to 31-7-1987, 2-5-1983 to 30-7-1983, 1-4-1985 to 15-7-1985, 16-7-1985 to 15-8-1985 and 16-8-1985 to 15-10-1985 in all 378 days in five spells from 1982 to 1985. He has

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also claimed that his name figures in the live casual labour register. In his application, the applicant has mentioned that that decasualisation and regularisation announced by the Railway Ministry is under consideration. Without giving full particulars the applicant also mentions about one Sri Rajendra Singh whose case was favourably considered by the CAT.

2. The ~~XXX~~ application has been contested by the respondents counsel stating that the OA is time barred. The cause of action actually arose in this case on 15-10-1985 when the applicant ceased to remain causal employee of the Railway. The respondents denied to have received any representation made in the year, 1996 for regularisation. Hence, the matter is not under consideration of the Railway at all. The applicant does not hold any casual labour card. The one which was produced was also not found genuine because of this the applicant was not engaged.

3. The respondents also pointed that in the C.W.M. Office where the applicant is stated to have worked, no live register is maintained for casual labours. So there is no question of his name figuring in any live casual register.

4. In view of the above, I have also considered the various citations made by both sides. Prior to 1-1-1984, the Hon'ble Supreme Court in Dakshin Railway Employees Union, Trivendrum Division Vs. General Manager, Southern Railway and Ors (W.D. No.332 of 1986) held that the decision should be implemented in a phased manner according to the schedule given below:-

S. B. —

Length of service (i.e. continuous employment)

Date from which
may be treated
as temporary.

- (i) Those who have completed five years of service as on 1-1-1981 : 1-1-1981
- (ii) Those who have completed three years but less than five years of service as on 1-1-1981; 1-1-1982
- (iii) Those who have completed 360 days but less than three years of service as on 1-1-1981; 1-1-1983
- (iv) Those who have completed 360 days after 1-1-1981. 1-1-1984 or

the date on which 360 days are completed
whichever is later.

4. The case of the applicant is not covered within this provision. The Railway Board Circular is specific that those who were in the live register of casual workers as on 30-4-1996 would be ~~required~~ ^{S. B.} to regularise as per the circular. The applicant had ceased to be a casual employee w.e.f. 15-10-1985 and his name does not figure in the live register nor his employment card was found to be genuine.

5. For the above reasons the application is palpably time barred ^{and without merit} on both counts. I, therefore, dismiss the OA as not maintainable. There shall be no order as to costs.

S. Basu
Member (A)

Dube/