

(Reserved)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 30th day of Dec. 2001.

Q U O R U M :- Hon'ble Mr. C.S. Chadha, Member-A.

Original Application No. 79 of 1997.

Om Prakash Rawat S/o Sri Sri Ram Adhar Rawat
Permanent R/o Vill- Takait Post- Gaura Sultanpur
Tahsil- Patti, Distt. Pratapgarh. At present residing
at Bangla No. 30, Hamilton Road, Gorge Town, Allahabad.

.....Applicant

Counsel for the applicant :- Sri Satish Dwivedi
Sri Anil Dwivedi

V E R S U S

1. Union of India through the Secretary, Ministry of Railways, Govt. of India, New Delhi.
2. The General Manager, Railway Electrification, Allahabad.

.....Respondents

Counsel for the respondents :- Sri Prashant Mathur.

O R D E R

(By Hon'ble Mr. C.S. Chadha, Member- A.)

This O.A has been filed under section 19 of the Administrative Tribunals Act, 1985.

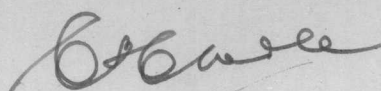
2. The case for the applicant is that he was employed as a casual Bangla Peon under the respondents w.e.f. 22.01.1985 to 30.11.1985 but was issued only a casual labour card for 22.07.1985 to 33.11.1985, and he was not allowed to work, quite arbitrarily, after 30.11.1985. The applicant claims that he applied to

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the concerned authorities several times, i.e. on 10.09.1989, 18.09.1989, 10.09.1991, 09.06.1992, 14.09.1992, 20.10.1993 and 16.08.1994 but to no avail. He claims that he made yet another representation on 18.01.1996 (annexure A- 9) requesting that his name be entered in the Live Casual Labour Register (L.C.L.R) and that he may be appointed as several fresh candidates had been appointed between 16.01.1995 to 29.09.1995. This O.A was filed on 24.12.1996 seeking the same remedies as the department did not consider favourably his representation dated 18.01.1996 and further reminders dated 11.03.1996 and 14.06.1996.

3. The respondents have on the other hand claimed that he was engaged as Bungalow Khalasi on 22.07.1985, but he absented himself from 04.12.1985 to 09.12.1985 and finally left the job himself from 21.12.1985. Further, it is claimed that the applicant was engaged to assist an official, who worked on an electrification project, and in accordance with the terms of his appointment, his engagement was supposed to end as soon as the official furnished his tenure with the project. However, the applicant left on his own on 21.12.1985 and applied to be taken on work only on 10.09.1989 (annexure A- 2). Annexure A- 2 also clearly shows that the applicant, in his own handwriting claimed that he was engaged on 22.07.1985, whereas in para 4 (1) of the O.A he claimed to have been employed w.e.f. 22.01.1985. Therefore, it is clear that the applicant made a false statement before this Tribunal and did not come with clean hands before the Tribunal. This confirms the doubts raised by the respondents against his claims made in the O.A that he applied several times between 10.09.1989 and 16.08.1994 to the department to re-engage him and later applied on 18.01.1996, 11.03.1996 and 14.06.1996 to enter his name in the L.C.L.R. The

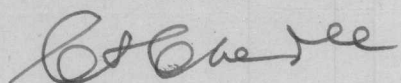


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respondents have clearly denied that the representations dated 18.01.1996, 11.03.1996 and 14.06.1996 were ever received by the department and in the absence of proof thereof, it cannot be considered that the applicant represented to enter his name in the L.C.L.R. In fact, the conduct of the applicant seems dubious because in annexure A- 10, the applicant claimed that he had reminded the department on 11.03.1996 and 14.06.1996 but the annexure A- 10 itself was dated 14.06.1996 and thereafter, 14.06.1996 was overwritten and made 16.06.1996 to show that he had reminded the authorities on 14.06.1996 and was mentioning this fact again on 16.06.1996. It is unbelievable that the applicant who slept over his claim for several years (between 1985 to 1989) would remind the authorities again after a gap of two days. It appears that A- 10 is a concoction and while submitting it, it was realised by the applicant that on 14.06.1996 he could not mention that he had earlier reminded the department on 14.06.1996 hence the overwriting. Several claims made by the applicant have been proved false by his own conduct and in view of the clear denial by the respondents and also in view of the lack of any cogent proof of submitting annexure A-10 and A-11, the case for the applicant is not tenable.

4. In the circumstances, it is concluded that the applicant worked as Bunglow Khalasi in 1985, left due to his own accord, never applied till 1989 and further, never applied to the department to enter his name in the Live Casual Labour Register. Annexure A- 10 and A- 11 are also not proved beyond doubt. In absence of the entry of his name in the Live Casual Labour Register, his claims and the O.A is highly time barred. The O.A is, therefore, dismissed.

5. There shall be no order as to costs.


Member- A.

/Anand/