

(13)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 15th day of February, 2002.

Original Application No. 999 of 1997.

CORAM :-

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

1. Parshu Ram Prasad S/o Shri Tribhuwan Prasad
R/o Village Naraon Tola, P.O. Naraon,
Thana Avatar Nagar, District Saran(Chapra).
2. Ram Ekbal Rai, S/o Shri Raghu Nath Rai,
R/o Village Methawalia, P.O. Chanchaura,
Thana Mufasil, District Saran.
3. Suresh Rai, S/o Shri Ganesh Rai,
Resident of Village Anaieth, P.O. Nawada(Arrah),
Thana Nawada, District Bhojpur.
4. Awadesh Rai S/o Shri Ram Das Rai,
R/o Village Anaieth, P.O. Nawada (Arrah),
Thana Nawada, District Bhojpur.
5. Vinod Prasad S/o Shri Ram Surat Prasad,
R/o Village Shekhpura, P.O. Gauri Shankar,
Ke Bangra, Thana Baniapur, District Saran.
6. Hiramam Paswan S/o Shri Enrdee Paswan
R/o Village Mehtawalia, PO Chanchaura,
Thana Mufasil, District Saran (Chapra)
7. Sheo Dayal Rai S/o Shri Hari Rai,
R/o Village Jalal Basant, PO Basant,
Thana Garkha, District Saran (Chapra).
8. Dina Nath Prasad, Son of Shri Ram Sheek Prasad,
R/o Village Shiv Bazar, PO Chapra, Thana
Bhagwan Bazar, District Saran (Chapra).
9. Barama Rai, S/o Shri Jagar Nath Rai,
R/o Village-Hasanpurawa, PO Chan Chaura,
Thana Mufasil, District Saran (Chapra).
10. Balram Prasad, S/o Shri Shiv Kumar Prasad,
R/o Mohalla Bhagwan Bazar Pach Mandir,
PO Bhagwan Bazar, Thana: Bhagwan Bazar,
District Saran (Chapra).
11. Vireshwar Mahto, S/o Shri Vist Nath Mahto,
R/o Village Jamuna Mathia PO Mushehari,
Thana Mufasil, District Saran (Chapra).
12. Gayan Prakash Singh, S/o Shri Deo Kumar Singh,
R/o Village-Pirojpur, PO Khodai Bag,
Thana Jalalpur, District Saran(Champra).
13. Shipahi Lal Prasad S/o Shri Krisana Prasad,
R/o Village and PO Shikatiya, Thana Maharajganj,
District Siwan.

14. Himanshu Shekhar Singh, S/o Shri Rameshwar Singh, R/o Village Shisawa, PO Nagra, Thana Madawara, District Saran.
15. Yogendra Prasad, S/o Shri Rameshwar Prasad, R/o Village Methawalia, PO Chan Chaura, Thana Mufasil, District Saran.
16. Upendra Rai, son of Shri Ram Dahn Rai, r/o Village; Hasan Purwa, P.O : Chan Chaura, Thanaa : Mufasil, District : Saran (Chapra).
17. Shambhu Mahto, son of Shri Bhagwan Mahto, r/o Village: Hasan Purwa, P.O : Chan Chaura, Thana ; Mufasil, District : Saran.
18. Surendra Prasad Yadav, son of Shri Raj Narain Rai, r/o Mohalla :Dahiawa Tola, P.O. : Chapra, Thana -Chapra Taun, District : Saran.
19. Vijendra Prasad Yadav, son of Shri Binda Prasad Yadav, r/o Village : Jatuwa, P.O. Naini, Thana :Mufasil, District ; Saran (Chapra).
20. Anil Prasad Yadav, son of Shri Raj Narain Rai, r/o Mohalla :Dahiawa Tola, P.O. : Chapra, Thana :Chapra Taun, District: Saran (Chapra).
21. Jitendra Prasad Yadav, son of Shri Binda Prasad Yadav, r/o Village : Jatuwa, P.O. Naini, Thana -Mufasil, District : Saran.
22. Sukrit Rai, son of Shri Mundar Rai, r/o Village : Bisunpur Piparahi, P.O. : Sonaho Bhatha, Thana : Amonor, District : Saran.
23. Vijai Rai, son of Shri Ageen Rai, r/o Village - Baraka Baluwa, P.O. :Kans Diara, Thana : Doriganj, District : Saran.
24. Dina Nath Singh, son of Shri Shiv Mangal Singh, r/o Village : Jamuna Tola, P.O. Mushehari, Thana : Mufasil, District : Saran (Chapra).
25. Ganesh Singh, son of Shri Sankar Jee, r/o Mohalla : Dahiawa Tola; P.O. : Chapra, Thana ; Chapra Taun, District : Saran (Chapra).
26. Ram Awadhewh Rai, son of Shri Raghu Nath Rai, r/o Village - Methawalia, P.O. Chan Chaura, Thana : Mufasil, District : Saran (Chapra).
27. Jai Prakash Rai, son of Shri Rama Nand Rai, r/o Village : Naraon Tola, P.O. : Naraon, Thana : Avatar Nagar, District ; Saran.
28. Ram Dayal Prasad Rai, son of Shri Vanarshi Rai, Mohalla :Shiv Bazar, Docter Hardan Basulen, P.O. : Bhagwan Bazar, Thana : Bhagwan Bazar, District ; Saran.



29. Nagendra Kumar, son of Shri Shivjee Sah,
Mohalla : Shiv Bazar Thelajee Ke Mandir Ke Pas,
P.O. - Bhagwan Bazar, Thana : Bhagwan Bazar,
District : Saran.
30. Nand Lal Rai, son of Shri Ram Vilash Rai,
r/o Mohalla : Dahiawa Dargah, P.O. : Sahib
Ganj Chapra, Thana : Chapra Taun,
District : Saran.
31. Karmu Mahto, son of Shri Bhola Mahto,
r/o Village : Hasan Purawa, P.O. : Chan Chaura,
Thana : Mufasil , District : Saran.
32. Shila Jit Mahto, son of Shri Bhagwan Mahto,
r/o Village : Hasan Purawa, P.O. : Chan Chaura,
Thana : Mufasil, District : Saran.
33. Santosh Kumar Singh, son of Shri Lav Bahadur
Singh, r/o Village : Khalpurwa, P.O. :
Khalpura, Thana : Mufasil, District : Saran.
34. Dinesh Kumar Singh, son of Shri Rameshwar
Singh, r/o Village : Dachhin Akawana,
P.O. : Dachhin Akawana, Thana : Udayant Nagar
District ; Bhojpur (Arrah).
35. Kaushal Kishor Singh, son of Shri Baij Nath
Singh, r/o Village and P.O. : Govind Chak,
Thana : Sonpur, District : Saran.
36. Bhirgu Nath Singh, son of Shri Guput Singh,
r/o Village and P.O. : Mukrera, Thana :
Rivil Ganj, District : Saran.
37. Tun Tun Singh, son of Shri Prabhu Nath
Singh, r/o Village and P.O. : Khalpura,
Thana : Mufasil, District : Saran.
38. Hridaya Singh, son of Shri Suryadee Singh,
r/o Village : Beesya, P.O. : Daudpur,
Thana : Daudpur, District : Saran (Chapra).
39. Sanjay Kumar Singh, son of Shri Bali Ram
Singh, r/o Village : Ghoghta, P.O. : Govind Chak
Thana : Sonpur, District : Saran.
40. Shankar Singh, son of Shri Birjan Singh,
r/o Village : Kurmu Pur Naya Tola,
P.O. : Nawa Nagar, Thana : Bidu Pur,
District : Vaishali.
41. Runjhun Singh, son of Shri Raghu Nath Singh,
r/o Village : Shanbhur Pur Loari, P.O. :
Shanbhur Pur Koari, Thana : Sharay,
District : Vaishali.
42. Munna Singh, son of Shri Ram Chandra Singh,
r/o Village : Tamor Parsha, P.O. : Tamor Parsha
Via - Murliganj, District : Madhepura.
43. Rajesh Kumar Singh, son of Shri Pradip
Singh, Resident of Village : Naraon Tola,
P.O. : Naraon, District : Saran.

44. Manoj Prasad Yadav, son of Shri Rama Prasad
Yadav, resident of Village : Goraul, P.O. :
Amnor, Thana : Amnor, District : Saran.
45. Jai Shanker Dubey, son of Shri Mukti Nath
Dubey, resident of Village : Dhangara,
P.O. : Babh Nauli Pandey Via -Lar,
Thana : Lar, District : Deoria.
46. Nakul Rai, son of Shri Ramesh Rai, r/o
Village : Kadipur, P.O. : Nagara, Thana :
Jalalpur, District : Saran.

(Sri GD Mukherjee, Advocate)

--- Applicants.

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 (East), North Eastern
Railway, Gorakhpur.
4. The Inspector of Works (Workshop), North Eastern
Railway, Gorakhpur.

(Sri Amit Sthalekar, Advocate)

--- Respondents.

O R D E R (O_r_a_l)

By Hon'ble Mr. Justice RRK Trivedi, V.C.

By this OA filed under Section 19 of the Administrative Tribunals Act, 1985, the applicants have prayed for a direction to the respondents to re-engage the applicants as casual labour and regularise their services on the basis of position of their names in the Live Casual Labour Register. The basis of the claim is that the applicants had worked for 240 days before 1981. In support of this claim the applicants have filed certificates issued to them which show that they worked sometime in 1978-79. This OA has been filed on 22-9-1997 i.e. after about 18 years. Sri Amit Sthalekar, learned counsel for the applicant has submitted that the certificates filed are totally vague and uncertain. The

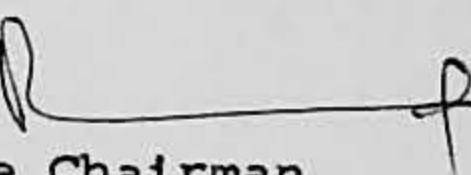
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Railway does not possess any ~~certificate~~ ^{or record} about work of the applicants and the application is highly time barred and likely to be rejected on this ground of limitation.

2. Learned counsel for the applicant on the other hand submitted that the cause of action arose to the applicant in 1993 after the judgement of this Tribunal in OA No.73 of 1992 - Baij Nath and Others. Even if the submission of the Learned Counsel for the applicant is accepted for the sake of arguments, the long delay has not been explained as this OA has been filed in 1997 i.e. after four years of 1993 judgment. In the circumstances the applicants are not entitled for any relief as the relief claimed is barred by time. ^{The application is} Accordingly ~~dismissed~~ as dismissed as barred by limitation. There shall be no order as to costs.


Vice Chairman

Dube/