

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 3rd day of January, 2001.

C O R A M :- Hon'ble Mr. Rafiq Uddin, Member- J.

Orginal Application No. 1486 of 1998

1. Prem Chandra, S/o Sri Kanhi Singh
2. Umesh Chandra, S/o Sri Gopi Ram
3. Shri Krishan, S/o Atev Singh

All R/o Village- Nagla Heeraman, Post- Bharol,
Distt. Firozabad.

..... Applicants

Counsel for the applicants :- Sri C.P. Gupta

V E R S U S

1. Union of India through the General Manager
Northern Railway, Baroda House, New Delhi.

2. Divisional Railway Manager,
Northern Railway, Allahabad.

3. Divisional Superintending Engineer/ Co-ordination
D.R.M's Office, Allahabad.

..... Respondents.

Counsel for the respondents:- Sri G.P. Agrawal

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ORDER (oral)

(By Hon'ble Mr. Rafiq Uddin, J.M.)

Applicants have approached this Tribunal for issuing direction to the respondents to re-engage them as casual labour with temporary status where they were working initially and regularise them as per rules. It is further sought that respondents be directed to include their names in Casual Labour Live Register of the units where they have worked if their names are not entered in the said register.

2. According to the applicant No. 1 that he was initially engaged as casual labour on 14.05.78 under P.W.I, Northern Railway, Shikohabad and worked up to 14.02.80 with some artificial breaks. The applicant has also claimed that he attained temporary status under provisions of para 2501 of I.R.E.M and became entitled for all benefits and privileges admissible to the temporary railway employee. He was however, not allowed to work without any show cause notice.

3. The applicant No. 2 claims that he was initially engaged on 14.07.78 as casual labour under P.W.I, Northern Railway, Shikohabad and worked up to 14.02.80 for total 509 days and also attained temporary status. But thereafter he was not allowed to work without any show cause notice.

4. The applicant No. 3 has also claimed that he was initially engaged as casual labour on 14.08.78 under the P.W.I, Northern Railway, Shikohabad and worked up to March, 1980 with some artificial breaks for total 321 days and thereafter he was not allowed to work. However, he became entitled for all privileges

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admissible to a temporary railway employee under the provisions of I.R.B.M. He has also approached ~~to~~ the concerned authority to re-engage him and he was again engaged on 06.01.85 and worked up to June, 1985 for total 135 days but thereafter he was not allowed to work.

5. According to the applicants ~~that~~ in the year 1981 more than thousand casual labourers were engaged in Allahabad Division when the new work of ^{W.E.L} P.Q.R.S was started but the applicants neither informed nor engaged. The respondents have also engaged several new casual labours who had never worked in the railway. The applicants have mentioned their names in the O.A.

6. According to the applicants vide notification dt. 23.07.78 the respondents have notified the direct recruitment of unskilled Group 'D' posts under Electric Locoshed, Kanpur. Thus they have made discrimination against the applicants regarding their engagment.

7- The respondents have contested the claims of the applicants by stating that the applicant No. 1 was not engaged on 14.05.78 under the P.W.I, N. Rly. Shikohabad. It is also contended that he has not attained temporary status. It is further stated that the certificate filed by the applicant No. 1 is ~~false~~. Similarly the engagment of the applicant Nos. 2 and 3 have also been denied and it is stated that the certificates filed by applicant Nos. 2 and 3 in support of their case are not reliable certificates . It is also stated that the applicants were initially engaged in the year 1978 and they have approached ~~to~~ the Tribunal after 20 years. Therefore the case is time barred.

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8. I have heard parties counsel and perused the records.

9. It is evident from the pleadings of the applicants that they were engaged as casual labour in the year 1978 and worked up to 1980. Applicants have not stated in their representation filled by them when the some fresh candidates have been recruited by the respondents in the year 1981. Therefore the question arises whether claim of the applicants is within time or not. The learned counsel for the respondents has brought to our notice the Full Bench decision of the Principal Bench in the case of Mahabir vs. U.O.I & ors reported in A.T.J- 2000 (pg.1) in which this controversy has been considered. The following question was referred to for decision to the Full Bench :-

" Whether the claim of a casual labour who has worked prior to 01.01.81 and 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 Tribunal's 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 L.C.L. Register gives him a continuous cause of action. "

This question was answered by the Full Bench which reads as under :-

" In the light of the foregoing discussions we answer the aforesaid issue (a) as under:
Provisions of the relevant Railway Boards

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circular dated 25.04.1986 followed by the circular dated 28.08.1987 issued by General Manager, Northern Railway for placing the names of casual labour on the Live Casual Labour Register do not give rise to a continuous cause of action and hence the provisions of limitation contained in the section 21 of the Administrative Tribunal's Act, 1985 would apply."

9. In my opinion the principals laid-down by the aforesaid Bench is fully applicable to the facts of the present case and the applicants have not been able to show that they have continuous cause of action and the provisions of limitation under section 21 of the Administrative Tribunal's Act, 1985 could not be applied. In view of the legal position without going in to the merit of the case the O.A is liable to be dismissed being barred by time. Accordingly the O.A is dismissed.

10. There will be no order as to costs.

Rajiv J.
Member - J.

/Anand/