

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

Dated: Allahabad, the 21st day of March, 2001.

Coram: Hon'ble Mr. S. Dayal, A.M.

ORIGINAL APPLICATION NO. 215 OF 1998

Girja Shanker,
son of Hari Ram,
r/o village Jalalpur Mutfarka,
Post Nadula, District Allahabad.

..... Applicant

(By Advocate Sri C.M. Yadav)

Versus

1. The Union of India, through the Secretary, Ministry of Railway, New Delhi.
2. The Divisional Rail Manager, Northern Railway, Lucknow.
3. The Station Superintendent, Jhanghai Railway Station, District Jaunpur.

..... Respondents

(By Advocate Sri

O_R_D_E_R (ORAL)

(By Hon'ble Mr. S. Dayal, A.M)

This Original Application has been filed for a direction to the Respondents to consider the applicant for appointment on a Class IV post in case juniors of the applicant have been given appointment.

2. The case of the applicant is that he worked as Waterman on various days shown in paragraph 4(1), numbering 221 days from 1.6.87 to 14.7.91. It is

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claimed that a number of persons named in Paragraph who 4(4) of the OA had worked along with the applicant were appointed on Class IV post. It is also mentioned that the said persons were given work even after 1991. It is also claimed that the applicant had made a representation to the Railway Minister and the Railway Minister had recommended his case to the authorities concerned for appointment. The applicant claims that since his juniors have been given regular employment, he should also be given the same.

2. I have heard the learned counsel for the applicant.

3. I find from the perusal of the Paragraph 4(1) of the OA that the applicant had worked for 12 days in 1987, 22 days in 1989, 71 days in 1990 and 91 days in 1991. After 14.7.1991, he did not work at all. I find that Annexure No.2 is a letter from the office of the Railway Minister written by his Assistant Personal Secretary to D.R.M., Northern Railway, forwarding the application of the applicant and recommending for sympathetic considerations on 15.9.97. It is, thus, clear that the applicant made an effort in 1997 for doing work as a casual labour after he had ceased to work in 1991. There is a delay of almost six years in making representation and almost 7 years in filing the Original Application in the Tribunal. It is claimed in the O.A. that it has been made within the prescribed period of limitation u/s 21 of the Administrative (Tribunals) Act, 1985.

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4. There is a Full Bench judgment of this Tribunal in the case of Mahabir & others V. Union of India & others, 2000 (3) AIR 1, in which it has been held that even for taking the name of a casual labour on Live Register for casual labour, the issue of limitation would be relevant and the stale claims should not be entertained. This claim made by the applicant is clearly barred by limitation. The O.A. is accordingly dismissed.

There shall be no order as to costs.

Dayal
(S. DAYAL)
MEMBER (A)

Nath/