

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

ALLAHABAD.

...

Original Application No. 488 of 1998

this the 22nd day of January 2003.

HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)

Jai Prakash Singh, S/o Sri Gaya Prasad Singh, R/o 20  
Badshahi Mandi, Allahabad.

Applicant.

By Advocate : Sri M.M.L. Srivastava (Absent)

versus.

1. Union of India through the Chairman, Railway Board, Rail Bhawan, New Delhi.
2. The D.R.M., Allahabad Division, Northern Railway, Allahabad.
3. The Inspector of Works, Allahabad Division, N.R., Allahabad.

Respondents.

By Advocate : Sri A.C. Misra.

ORDER (ORAL)

By this O.A., the applicant has sought the following relief(s):

"(a) to issue a writ, order or direction in the nature of mandamus directing the Divisional Rail Manager, Allahabad Division, Northern Railway, Allahabad, respondent no.2 and Union of India through the Chairman Railway Board, Rail Bhawan, New Delhi, respondent no.1 to consider the representations of the applicant (Annexures 10, 15, 14 and 16 to the aforesaid O.A. No. 488/98) for appointment of the applicant as Khalasi or Peon or any other class IV except Safaiwala in the Northern Railway and order for appointment of the applicant on such post in supersession of the applicant on such post in supersession of the order dated 19.4.95 (Annexure '8' to the aforesaid O.A. No. 488/98).

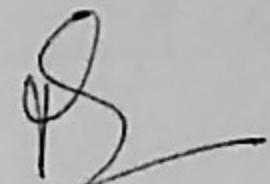
(b) to issue a writ, order or direction in the nature of mandamus directing the respondents to fix the seniority of the applicant over his immediate juniors.

(c) to issue a writ, order or direction in the nature of mandamus directing the respondents to grant the consequential benefits to the applicant from the date his juniors have been granted in view of various decisions of the Hon'ble Supreme Court."

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2. This is a second round of litigation as initially the applicant had filed O.A. No. 1723 of 1993 which was decided on 2.2.1994 by directing the respondents to dispose off the representation of the applicant by passing a reasoned and speaking order in the light of the directions given by this Tribunal in O.A. No. 1060 of 1991 (page 36). The counsel for the respondents has drawn my attention to page 44 whereby the letter dated 24.3.1995, the respondents had passed a detailed order informing him that after enquiry they have found that the days for which the applicant is alleged to have worked are not true as per the valid records as it does not bear any signature either <sup>of</sup> ~~of~~ construction Inspector or any other officer, therefore, no reliance can be placed of such register. Even otherwise, Kumbh Mela had started in the year 1983 and no work was undertaken in October '81. More-over, in the register some days have been incorporated which are not authentic, therefore, they have stated that neither his name can be put in the live Casual Labour Register, nor he can be given appointment. Today, when the case was called-out, none appeared on behalf of the applicant, which shows that he is not interested in pursuing the matter any longer. The applicant has not shown how the order passed by the respondents can be said to be not maintainable and even otherwise the respondents' counsel has submitted that as per the applicant's own averments, he had last worked in the year 1981 or 1982, therefore, this O.A. is grossly barred by limitation and if he had any grievance, he ought to have challenged at that appropriate time because after such long lapse of time it becomes difficult for the respondents to verify the records and since on checking the register, they found that no officer had signed the register, therefore, it is not possible to take the averments made by the applicant on their face value. I would agree with the respondents' counsel that the casual labourers are also governed by law

of limitation and if he had worked as alleged by him in the year 1981-82, he ought to have approached the court immediately thereafter, which was not done. In the earlier O.A. filed by the same applicant, the Tribunal had directed the respondents to verify the position as explained by the applicant and pass a reasoned and speaking order. The respondents have given their reasons as to why the averments made by the applicant cannot be relied-upon and I do not find any illegality in the said order. Accordingly, the present O.A. is dismissed being devoid of merit with no order as to costs.



MEMBER (J)

GIRISH/-