

Reserved.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

....

Original Application No. 844 of 1998
this the 24th day of July 2001.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

Murali Lal, S/o Sri Banwari Lal, R/o Village Nagla
Gwalior, Post Paigoo, District Firozabad.

Applicant.

By Advocate : Sri C.P. Gupta.

Versus.

1. Union of India through General Manager,
Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway,
Allahabad.

Respondents.

By Advocate : Sri G.P. Agrawal.

O R D E R

The applicant seeks directions to the respondents to grant him temporary status and to register his name in the casual labour register. He also seeks for re-engagement as casual labour with temporary status and absorb/regularise him against any Group 'D' post.

2. The applicant claims that he was engaged as casual labour on 9.2.76 under PWI, Northern Railway, Mainpuri where he worked upto 12.9.79 with some artificial breaks. Thus, the applicant had worked for more than 120 days continuously, hence he attained the status of a temporary railway employee under the relevant rules and became entitled for all the rights and privileges admissible to a temporary railway employee. The applicant also claimed that he was further engaged as casual labour

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under PWI, Northern Railway, Shikohabad and he worked there for about six months.

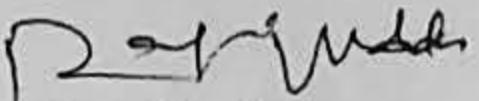
3. The respondents have disputed the claim of the applicant by stating that the applicant has never worked 120 days continuously without break and as such he did not attain MRCL status. The respondents have also disputed the genuineness of the working certificate filed by the applicant in support of his claim.

4. We have heard the learned counsel for the parties and have perused the pleadings on record.

5. The applicant in order to prove that he worked as casual labour under PWI, Northern Railway, Mainpuri, has filed a certificate (Annexure-1) which indicates that he worked for 366 days in broken periods from 9.2.76 to 12.9.79. During the course of arguments, the question of limitation has been raised on behalf of the respondents and it is contended that since the applicant had worked upto 1979, the present C.A. is barred by time. The question whether the claim of a casual labour who was worked prior to 1.1.1981 or thereafter with the 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 Tribunals Act, 1985, to get a direction to have his name placed on the Live Casual Labour Register, or whether the provisions of the relevant Railway Board circulars for placing his name in the Live Casual Labour Register gives him a continuous cause of action, was considered by a Full Bench of this Tribunal (Principal Bench) in the case of Mahabir & Others Vs. Union of India & Others (2000 (3) ATJ 1). The Full Bench after considering the relevant provisions of law has held that provisions of limitation contained in Section 21 of the Administrative Tribunals

Act 1985 would apply in case where there is a claim for placing the name of the casual labour on the Live Casual Labour Register and it does not give rise to a continuous cause of action. In the present case, admittedly, the name of the applicant has not been placed in the Live Casual Labour Register, whereas the present O.A. has been filed after 19 years and obviously the claim of the applicant is barred by time and cannot be considered on merit.

6. In view of the above, the O.A. is dismissed as barred by time. No costs.


MEMBER (J)

GIRISH/-