

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

...

original Application No. 983 of 1998

this the 8th day of January 2003.

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

1. Jaibir Singh S/o Sri Ganga Prasad.
2. Keshav Singh, S/o Sri Amir Singh.
3. Rajendra S/o Sri Janki prasad.
4. Haribir Singh, S/o Sri Gaya Prasad.

All R/o Village Nagla Gwalior, Post Paigoo, District  
Firozabad.

Applicants.

By Advocate : Sri C.P. Gupta.

Versus.

1. Union of India through General Manager, N.R., Baroda House, New Delhi.
2. D.R.M., N.R., Allahabad.
3. Divisional Supdt. Engineer/Co-ordination, DRM's Office, Allahabad.

Respondents.

By Advocate : Sri M.K. Sharma for Sri A.K. Gaur.

ORDER (ORAL)

By this O.A., four applicants have claimed the following relief(s):

"(i) The Hon'ble Tribunal may be pleased to direct the respondents to re-engage the applicants as casual labour with temporary status where they were working initially and regularise them as per rules.

(ii) The Hon'ble Tribunal may be please to direct the respondents to include the name of the applicants in casual labour Live Register of the units where they have worked.

(iii) -----

(iv) -----"



2. As per the applicants own averments the applicant no.1 <sup>last P2</sup> namely Jaibir Singh had worked till 14.1.78, the applicant no.2 <sup>last P2</sup> namely Keshav Singh had worked till 14.5.80, the applicant no.3 namely Rajendra had worked till 14.4.78 and the applicant no.4 namely Sri Haribir Singh had worked till 7.7.79. The applicants case is that since they had worked with the respondents, they had attained the temporary status and became ~~to~~ entitled for all the rights and benefits admissible to a temporary Railway employee. In support of their claim, they have annexed Annexure Nos. A-1 to A-4 and also RA-1. It is submitted by the applicants that they were not continued after the periods as mentioned above without any justification and since all the applicants are ~~pre~~Augus 1978 Casual Labourers, they are entitled for re-engagement as and when the requirements of casual labour are made. On the contrary, the respondents have not ~~been~~ informed, nor they have been re-engaged till date, thus, forcing them to file the present O.A.

3. The respondents have opposed the O.A. itself on the <sup>way P2</sup> ground that it is highly time barred and the same is thrown on the question of limitation itself. They have also submitted that the applicants are seeking regularisation in service on the basis of fake casual labour cards alleged to have been issued by PWI, Shikohabad and PWI, Mainpuri for the duration of their working in the years from 1973 to 1978, whereas the fact <sup>is</sup> the applicants, in question, have never worked either under PWI, Shikohabad or PWI, Mainpuri. They have specifically stated that the casual labour cards filed by the applicants as fake and fabricated, hence they are not entitled for any relief as claimed by them.

4. I have heard both the counsel and perused the pleading as well.

5. Admittedly, the applicants had last worked as per their <sup>even though, is</sup> own averments, which is disputed by the respondents, on

14.178, 14.5.80, 14.4.78 & 7.7.79 respectively. Therefore, if any, cause of action had arisen at that relevant time <sup>been</sup> and if they were aggrieved, they ~~xxx~~ ought to have filed the case at the relevant time. There is no fresh cause of action, which can be said to have been arisen in the year 1998 when the present O.A. was filed. The law is well settled by different Courts that limitation applies even in the case of casual labour as well. In ~~Rattan Chandra~~ case Samanta/decided by Hon'ble Supreme Court reported in 1994 SCC (L&S) 182 the Hon'ble Supreme Court has held that the delay defeats the rights <sup>and remedy for</sup> as well and those who sleep over their rights <sup>by they</sup> are not entitled to any relief and in a recent judgment given by Full Bench of Delhi High Court, it has been held that the period of limitation <sup>Cause of Casual labour</sup> as prescribed under A.T. Act, is one year and ~~it~~ cannot be said to be a continuous cause of action. Thus, I am satisfied that the present case is barred by limitation and is liable to be dismissed. The O.A. is accordingly dismissed being barred by limitation. No costs.

  
MEMBER (J)

GIRISH/-