

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1107 of 1998

Allahabad this the 03rd day of July, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Sukhoo Ram, aged about 39 years, Son of Shri Ram Pher, resident of Village Pure Gosain, Post Office Suwansa, Tehsil Patti, District Pratapgarh.

Applicant

By Advocate Shri J.P. Pandey

Versus

1. Union of India through Divisional Railway Manager, Northern Railway, Allahabad.
2. Divisional Railway Manager, Northern Railway, Allahabad.
3. Permanent Way Inspector, Allahabad.

Respondents.

By Advocate Shri G.P. Agarwal

O_R_D_E_R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Shri Sukhoo Ram has a case that he worked for 336 days as casual labour in the respondents establishment during the period from 1977 to 1979 with artificial breaks and after being disengaged on 15th June, 1979, he was never called or re-engaged inspite of his having attained the temporary status. He moved several representations but of no avail. Therefore,

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he has come up before the Tribunal seeking direction to the respondents to consider the petitioner for employment as a casual labour under Permanent Way Inspector, as and when recruitment is made.

2. The respondents have contested the case, filed counter-reply with the preliminary objection regarding maintainability of the case being barred by period of limitation.

3. Heard counsel for the parties and perused the record.

4. During the course of argument, Shri J.P. Pandey produced the photocopy of Casual Labour Card of the applicant. According to which, he was first engaged on 24.2.1987 and with intermittent breaks he worked last on 15.6.1979. This document is being retained on record.

5. As per own case of the applicant, he was never engaged after 15.6.1979 and he has preferred this O.A. in the year 1998 i.e. after about 19 years. It is also quite evident from own pleading of the applicant that he did not apply for being brought on Live Casual Labour Register and also did not avail the benefits of the Railway Notification in the regard issued in the year 1986. With this position in view the O.A. is grossly barred by period of limitation as per provision under Section 21 of the A.T. Act and thereby no alternative but to dismiss the O.A. on this ground of limitation only. The O.A. is dismissed accordingly. No cost.

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