

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

....

Original Application No. 1250 of 1998

this the 7th day of May'2002.

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

Bhagwan Deen, aged about 39 years, S/o late Girdhari,  
R/o Village & Post Harrai, Tehsil Iji Sahbad, District  
Hardoi.

Applicant.

By Advocate : Sri Rakesh Verma.

Versus.

1. Union of India through the General Manager,  
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, N.R. Moradabad.
3. The Asstt. Engineer, N.R., Shahjahanpur.

Respondents.

By Advocate : Sri P. Mathur.

O R D E R (ORAL)

By means of this O.A., the applicant seeks  
directions to the respondents to enter his name into  
the Casual Labour Live Register at the proper place  
on the basis of number of days which are 527 put in  
by the applicant as Casual labour with the respondents.

2. It is not in dispute that the applicant had  
worked under the railway administration as Casual  
labour Khalasi from the year 1986 and had continued  
upto 12.12.1988 and had put in 527 working days.
  3. I have heard the learned counsel for the parties  
and have also gone through the pleadings on record.
- R

4. The learned counsel for the respondents has argued that the case of the applicant is barred by time because he is seeking inclusion of his name in the Live Casual Labour Register on the basis of the working days which he had put in during the period from 1986 to 1988. The present O.A. has been filed in the year 1998. The Full Bench of this Tribunal in the case of Mahabir & others Vs. Union of India & Others decided on 10.5.2000 in which the following questions were raised:

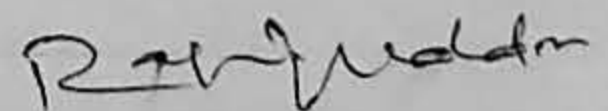
"Whether the claim of a casual labour who has worked prior to 1.1.1981 or thereafter with the respondents i.e. Railway Administration has a continuous cause of action to approach the Tribunal at any time, well after the period of limitation prescribed under Section 21 of the Administrative Tribunals Act 1985, to get a direction to have his name placed on the Live Casual Labour Register; in other words, whether the provisions of the relevant Railway Board circulars for placing his name in the LCL register gives him a continuous cause of action."

The answer of the aforesaid question is as under :

" provisions of the relevant Railway Board's circular dated 25.4.1986 followed by the circular dated 28.8.1987 issued by General Manager, Northern Railway for placing the names of casual labour on the live casual labour register do not give rise to a continuous cause of action and hence the provisions of limitation contained in section 21 of of the Administrative Tribunals Act, 1985 would apply."

5. I am of the considered opinion that the principle laid down in the aforesaid Full Bench decision is fully applicable in the present case also. The O.A. is accordingly dismissed being barred by limitation.

No costs.

  
MEMBER (J)

GIRISH/-