

AP/1 (9)

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH, ALLAHABAD

Dated : Allahabad The 26th day of February, 1996.

CORAM : Hon. Mr. S. Das Gupta, Member-A
Hon. Mr. T. L. Verma, Member-J

ORIGINAL APPLICATION NO. 972 of 1987

1. Anurag Mehrotra, Khalasi, Son of Sri Shambhoo Dayal Mehrotra, Resident of 213, Subhash Nagar, Bareilly
2. Bhagwan Das, son of Sri Pukhji, R/o. Loco Shed, Bareilly

.....Applicants.

(BY ADVOCATE SHRI A.K.DIXIT)

Versus

1. Railway Board, through its Chairman, Baroda House, New Delhi.
2. General Manager, Northern Railway, Baroda House, New Delhi.
3. Divisional Rail Manager, Northern Railway, Moradabad.
4. Locl Foreman, Loco Shed, Northern Railway, Bareilly Jn. Bareilly.
5. Union of India through Secretary to Department of Railways, Railway Ministry, New Delhi.

....Respondents

(BY ADVOCATE SHRI V. K. GOEL)

Q R D E R(oral)

(By Hon. Mr. S. Das Gupta, Member-A)

Two applicants have jointly filed this O.A. seeking a direction that they are entitled to receive their arrears of salary from 18.1.1983 to 6.9.1985 with usual allowances and bonus for the year 1983-84, increments from 1983 and promotion to higher post as compared to their juniors.

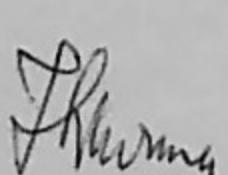
2. The applicants joined as Casual Workers in Loco Shed Northern Railway, Bareilly. They joined as Khalasi on 8.5.1979 and since then they continued to perform their function until 18.1.1983 when they were disengaged. The applicants had filed a writ petition before the Hon'ble Supreme Court and it is stated that this petition was decided in their favour by order of Hon'ble Supreme Court in the light of decision in case of Indra Pal Singh Yadav and Prahlad Singh. It is stated that thereafter the applicants were reinstated in service by order dated 9.8.1985. The grievance of the applicants is that although they have been reinstated in service, they have not been given wages for the back period during which they were disengaged nor increments due during that period. They have also not been given promotion which was given to the juniors; hence this application.

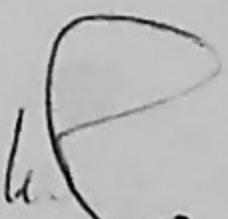
3. The respondents have filed a counter-affidavit, in which it has been averred that based on the decision of Hon'ble Supreme Court in Indra Pal Singh Yadav and Prahlad Singh's case they have formulated the scheme for reinstatement and absorption for project casual labourers among other and the applicants were accordingly re-engaged and not reinstated in service by order dated 9.8.1985. They have averred that the applicants are not entitled to any back wages for intervening period nor any other benefit for that period. The applicants have not filed any rejoinder-affidavit to controvert the averments made in the counter-affidavit.

4. When the case was called out none responded for the applicants. In view of this we have heard the learned counsel for the respondents and also carefully went through the pleadings on record.

5. It is clear from the averments that the applicants were dis-engaged by the respondents on the ground that 32 Foremen 'C' had to be reverted as Cleaners resulting in the discharging of the non-panelled staff. Thereafter by the order dated 9.8.1985 the applicants were re-engaged. It is also very clear that during intervening period the applicants were not discharging duties under the Railways. There is nothing in the orders of Hon'ble Supreme Court or in the scheme formulated by the respondents, pursuant to the decision of Hon'ble Supreme Court that for the period, the Casual Employees remain dis-engaged, they had to be paid back-wages or any other benefit. The applicants therefore, have not been able to establish any right for such benefit. Moreover as the applicants were re-engaged on 09.08.1985, this application, which was filed on 15.10.1987 is clearly time-barred as contended by the respondents in their counter-affidavit. There is no explanation regarding this delay in filing this O.A.

6. In view of the foregoing that the application is both time-barred and also devoid of merit, it is therefore, dismissed. Parties to bear their own costs.


(Member-J)


(Member-A)

Dtd./- Allahabad Feb. 26, 1996.

(pandey)