

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.653 of 1988

Lal Bahadur Applicant.

Versus

Union of India & others... Respondents.

Hon'ble Mr. Justice R.K.Varma- Vice Chairman
Hon'ble Miss Usha Sen-Member Administrative

(By Hon'ble Miss Usha Sen - A.M.)

The applicant had worked as a casual labourer continuously for 180 days from 06-06-77 to 07-12-77 under the permanent ~~xxxx~~ Ways Inspector, N.Rly, Meja Road, Allahabad. He again worked from 09-12-77 to 05-01-79. He was ~~again~~ re-engaged on 05-06-84 and worked upto 02-07-86 in broken spells (Annexure-2 of the application). His claim is that because of his continuous service from 06-06-77 to 07-12-78 he has acquired temporary status and his services could not have been terminated without giving one month's notice and retrenchment compensation. He also states having made serveral representations to the authorities regarding his illegal termination. Copies of the representations have not been attached by him. He further states that several of his juniors as named in para 10 of his application have been re-employed but he is not being engaged. He has, therefore, sought the relief that he should be deemed to be in continuous service as the termination was illegal since he had acquired temporary status and should be allowed all consequential benefits. Further he has prayed that he should also be re-engaged.

Ush

2- The respondents have firstly, emphatically denied that he ever represented to them against his alleged illegal termination of service, either w.e.f. 05-01-79 or 02-07-86. Hence challenging this in the present application is barred by limitation under section-21 of the Central Administrative Tribunal Act 1985. They have also stated that ^{no one} ~~any one~~ junior to the applicant has been screened for regular appointment (para-11 of the reply). The name of the applicant is already on the live casual labour register and he would be offered appointment or considered for screening for regular absorption in his turn.

3- In his rejoinder, the applicant has quoted the case of Rameshwar and others Vs. Union of India in O.A.No.1654 of 1990 in which the Principal Bench had held that the cause of action is continuous so long as juniors are kept in service and the senior remain disengaged.

4- Examining the case, we find that no evidence has been produced by the applicant that he represented against the termination of his services on 05-01-79 and again on 02-07-86. The O.A. has been filed on 25-05-88 against the termination on these dates. As such it is not within the limitation period. It is seen that the Principal Bench had held in the said case of Rameshwar and others Vs. Union of India that the cause of action should be deemed to be continuous so long as the juniors are kept in service while the seniors remain disengaged. We feel that the respondents should review if any of

Ush

his juniors named in para-10 of the application or any other junior has been re-engaged to the exclusion of the applicant. In case it is so, the applicant should also be reengaged and his seniority should be deemed to count from the date any of his juniors was reengaged. This direction should be complied with within a period of three months from the date of issue of this order. The applicant should also be informed within this period of the action taken by the respondents on this direction of ^{& the} ~~this~~ Tribunal.

With the aforesaid direction the application is disposed of. No order as to costs.

Utk. Sen
A.M.

R. K. V.
V.C.

DATED: Allahabad, January 18th, 1994.
(IS PS)
