

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Dated: Allahabad, the 11th day of April, 2001.

Coram: Hon'ble Mr. Justice R.R.K. Trivedi, VC
Hon'ble Mr. S. Dayal, AM

ORIGINAL APPLICATION NO. 1670 OF 1993

Kanhaya Yadav,
son of Basdeo Yadav,
r/o village Kewra,
P.O. Bhatni, District Deoria.
(Ex-Casual Labour, N.E. Fly.,
Varanasi).

. Applicant

(By Advocate: Sri R.P. Singh)

Versus

1. Union of India, through
the General Manager,
N.E. Railway,
Gorakhpur.
2. The Divisional Railway Manager,
N.E. Railway,
Varanasi.
3. Divisional Personal Officer,
N.E. Railway,
Varanasi.

. Respondents

(By Advocate: Sri Govind Saran)



_O_R_D_E_R_

(ORAL)

(By Hon'ble Mr. Justice R. R. K. Trivedi, VC)

By this O.A., the applicant has prayed for a direction to the respondents to consider him for employment on casual basis forthwith on any post available in open line/project anywhere in the Division and further consideration of absorption of the applicant on regular basis giving him notional seniority on completion of 120 days in the year 1980-81. The aforesaid claim has been based on the service rendered by the applicant during the period 7.10.80 to 15.12.85 in broken spells as casual labour. In para-5 of the Counter Affidavit, it has been stated that the applicant worked from 17.10.1980 to 15.12.1984 in broken spells only for 115 days. In para-7 of the Counter Affidavit, it is further stated that in 1984, the applicant had worked for 85 days only. The applicant has annexed the Casual Card No.F-2/11 as Annexure No.A-3 to the OA. In Para 4.1 of the OA, the applicant has claimed that he filed a representation dated 3.3.1993 for the reliefs claimed in the O.A., which is pending and has not yet been decided by the Respondents, but receipt of the same has been denied by the Respondents in para 2 of their Counter Reply. As there is a factual dispute about the period of service rendered by the applicant, in our opinion, the claim of the applicant can be decided in a better manner by the respondents by deciding his representation.

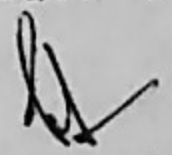
2. Sri Govind Saran, learned counsel for the Respondents has submitted that this O.A. is highly time-barred and the applicant is not entitled for

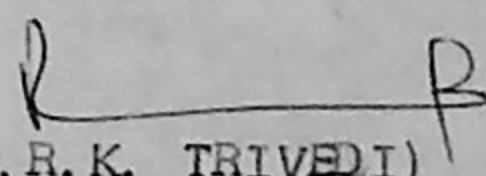
3.

any relief. The reliance has been placed on the judgment of Full Bench of the Tribunal in Mahabir and others Vs. Union of India and others, 2000 (3) ATJ 1. We have considered this aspect also. There is no doubt that the applicant has filed this O.A. after about 8 years. Last he was allowed to work in the year 1984, as stated by the respondents.

The cause of action, if any, for filing the O.A. arose to him at that time, but this O.A. has been filed on 1.11.1993. However, ^{as} the learned counsel for the applicant only presses that respondents may be asked to decide his representation and the Tribunal is not required to give any relief and representation of the applicant has been pending since ³⁻³⁻¹⁹⁹³ ~~2nd July, 1990~~, We see no reason to deny this limited relief of a direction to respondents to decide the representation of the applicant by a reasoned order, as per law.

3. The O.A. is accordingly disposed of finally with a direction to respondent no.3 to consider and decide the representation of the applicant by a reasoned order within a period of three months from the date of receipt of copy of this order. In order to avoid delay, it shall be open for the applicant to file a fresh representation along with the copy of the order. No order as to costs.


(S. DAYAL)
MEMBER(A)


(R. R. K. TRIVEDI)
VICE- CHAIRMAN

Nath/