

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad, this the 30th day of November, 1999.

ORIGINAL APPLICATION NO. 338 OF 1993

Coram : Hon'ble Mr. S. Dayal, Member(A)  
Hon'ble Mr. Rafiq Uddin, Member(J)

Manoj Kumar,  
S/o. Late Umashankar Srivastava,  
R/o. 5 Ram Priya Road, Near Prayag Rly. Station,  
Allahabad.

.... ....Applicant

(By Shri Indra Raj Singh, Advocate)

Versus

1. Union of India through the Ministry of Railway  
New Delhi.
2. Divisional Railway Manager,  
Northern Railway, Allahabad.
3. Chief Traction Foreman (RSC) Northern Railway,  
Mughal Sarai, Varanasi.

..... Respondents

(BY Shri A.K. Shukla, Advocate)

O R D E R (Oral)

(By Hon'ble Mr. S. Dayal, Member(A) )

The applicant has filed this application for a direction to the respondents to reinstate the applicant in service as a Group 'D' employee and pay him salary as well as arrears. The facts given by the applicant are that the applicant was engaged as a casual labour with effect from 1-12-82 and worked as a casual labour from time to time. A copy of working

certificate of the applicant has been annexed and it shows that the applicant worked from December '82 to April '83 continuously for 151 days and thereafter worked for a few days in each months from May '83 to October '83. In all he worked for 252 days. The applicant has claimed that he has worked for more than 120 days and he was entitled to be given temporary status. He has mentioned that his colleagues who were also working as casual labour had approached the Tribunal and the Tribunal had directed the respondents to take back the applicants in service from 1-1-92 and pay salary regularly. The findings of the Tribunal in this case were that applicants attained temporary status and were thrown out of service without any enquiry. It was also found that the juniors of the applicants were retained. The applicant claims to have made a representation to the Divisional Railway Manager after judgement was delivered in T.A.1630/87 on 26-11-91.

2. The respondents in their Counter Reply have raised the issue of limitation. The applicant had worked in the years 1982 and 1983 and has chosen to file his application in 1993, which is a decade after his services were terminated. The other casual labour who had approached the Tribunal had done so in the year 1987 and the order mentioned above in T.A.1630/87 was passed, in their case after hearing them. The applicant choose to wait even after this order was passed and came before the Tribunal only in 1993. Hence the relief granted to the applicants in other

decided case cannot be claimed by the applicant in this case on account of limitation.

3. The respondents under the Industrial Laws are expected to maintain a Live Register of casual labour and grant opportunity coming in the form of long term or short term jobs to the persons whose names are included on Live Register for casual labour. The name of the applicant should also have been included by the respondents on the Live Register. It appears that this has not been done. The respondents are directed to include the name of the applicant on the Live Register and grant him benefit on the basis of his seniority on account of inclusion of his name in the Live Register. <sup>The first of</sup> This shall be done within three months.

4. There shall be no order as to costs.

D. S. Mehta  
MEMBER(J)

MEMBER(A)

/ satya/