

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NO.1518 OF 1994

Allahabad, this the 12th day of November, 1999.

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

Pradeep Sharma
S/o. Shri Dina Nath Bhatt,
R/o. 25-A, Beli Road,
Allahabad Applicant

(By Shri K.K.Mishra, Advocate)

Versus

1. The Union of India through The Secretary,
Ministry of Railways, Rail Bhawan,
New Delhi.
2. The General Manager (P),
Northern Railway, Baroda House,
New Delhi.
3. The Divisional Railway Manager,
Northern Railway,
Allahabad.

..... Respondents

(By Shri A.K.Shukla, Advocate)

O R D E R (Reserved)

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

The applicant in this case have sought direction to the respondents to examine his case for absorption on regular basis and for conferment of other benefits in the light of judgement dated 4-7-89 in O.A.No.437 of 1988 between Abdul Rashid and others Versus Union of India & Others.

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2. The facts narrated by the applicant are that the respondents orally refused to consider his case for screening and appointment alongwith his juniors after assuring on 29-8-89 that his case would be considered alongwith others who had filed a case before Tribunal. The applicant claims to have been engaged as Casual Labour in the Goods-shed of Northern Railway at Allahabad in 1986. He was subsequently re-employed and claims to have completed 365 days of continuous working. He has filed a certificate in which he shown to have worked for 242 days. He was not allowed to work by oral order dated 19-3-88. He claims that Abdul Rashid and others in the case cited above were similarly placed and were conferred to benefits after they moved a Contempt Petition seeking to get the explanation of the respondents for non-consideration of their case. Abdul Rashid & others are claimed to have been appointed on regular post of Group 'D' by order dated 15-12-1993.

3. The arguements of Shri K.K.Mishra for the applicant heard. Shri Jagannath Singh appeared for the respondents and mentioned that the case was assigned to Shri A.K.Shukla. Neither was there any representation for the respondents nor had a counter reply been filed by them. In view of the fact that notices in this case were issued on 17-10-94 and several opportunities have been granted to the respondents to file Counter Affidavit, which they failed to do, the arguements heard.


4. There is gross delay in filing this application for seeking the relief of appointment to Group 'D'.


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The claim of the applicant that he had filed several representations which had not been considered, and therefore his case should be deemed to be within period of limitation. By the applicant's own averment in the original application the applicant had worked till 19-3-88, this O.A. has been filed on 22-8-94. Thus, there is a gap of more ^{than} six years between arising of cause of action and filing of the original application. Hence the relief for regularisation on Group 'D' post on the basis of regularisation of his juniors cannot be allowed after this gap of time.

5. Having said the above, the respondents were duty bound to have placed the applicant on Live Register for Casual Labour and considered his case for granting him work on casual basis as & when demand arose for engagement of casual labourers. After placement on Live Register of Casual Labour the applicant should have been considered for regularisation in his turn. This has not been done by the respondents. The respondents are directed to place the name of the applicant on Live Register of Casual Labour after verification of period of his work and grant the benefits mentioned above which are accruable to Casual Workers. This shall be done within a period of three months and the applicant be informed ^{Let} the same.

6. There shall be no order as to costs.


MEMBER (J)


MEMBER (A)

/satya/