Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1325 of 1993

alongwith connected matters

Allahabad this the 6th day of June 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)

O.A.No. 1325 of 1993

Ganga Ram, aged about 42 years, Son of Shri Sripat resident of 444, Masiha Ganj, Sipri Bazar, Jhansi.

Applicant

By Advocate Shri R.K. Nigam

Versus

1. Union of India through General Manager, Central Railway, Bombay VT.

2. Divisional Railway Manager, Central Railway, Jhansi.

Respondents

By Advocate Shri A.V. Srivastava

O.A.No. 1922 of 1993

Sheikh Zahiruddin, aged about 25 years, Son of Shri Sheikh Riazuddin, resident of 57, Chhoti Masjid, Pulliya No.9, Jhansi.

Applicant

By Advocate Shri R.K. Nigam

Versus

1. Union of India through General Manager, Central Railway, Bombay VT.

2. Divisional Railway Manager, Central Railway, Jhansi.

Respondents

By Advocate Shri A.K. Gaur

.....pg.2/-

O.A.No. 1347 of 1994

Vijay aged about 28 years, Son of Shri Devi Ram, resident of Meat Market, Harijan Basti, Behind Gurdwara, Murar, Gwalior.

Applicant

By Advocate Shri R.K. Nigam

Versus

1. Union of Indiathrough General Manager,Central Railway, Bombay VT.

2. Divisional Railway Manager, Central Railway, Jhansi.

Respondents

By Advocate Shri J.N. Singh

O.A.No. 1752 of 1994

Shyam Baboo, aged about 31 years, Son of Shri Bhagwati Prasad, resident of railway quarter no.RB-I 703/F, Rani Laxmi Nagar, Jhansi.

Applicant

By Advocate Shri R.K. Nigam

Versus

1. Union of India through General Manager, Central Railway, Bombay VT.

2. Divisional Railway Manager, Central Railway, Jhansi.

3. Chief Medical Superintendent, Central Railway Hospital, Jhansi.

Respondents

By Advocate Shri G.P.Agarwal

O.A.No.1777 of 1994

Kishori Lal, aged about 28 years, Son of Late Shri Nathoo Ram, resident of Insidate Datia Gate, 121 Mukaryana, Jhansi.

Applicant

By Advocate ShriR.K. Nigam

....pg.3/-

1. Union of India through General Manager, Central Railway, Bombay VT.

2. Divisional Railway Manager, Central Railway, Jhansi.

Respondents

By Advocate Shri G.P. Agarwal

O.A No.1851 of 1994

Peter Henery, aged about 25 years, Son of Shri Henery Francis, resident of railway quarter No. RB I/703-D, Rani Laxmi Nagar, Jhansi.

Applicant

By Advocate Shri R.K. Nigam

Versus

1. Union of India through General Manager, Central Railway, Bombay VT.

2. Financial Adviser and Chief Accounts Officer, Central Railway, Bombay VT.

3. Sr.Divisional Accounts Officer, Central Railway Jhansi.

Respondents

By Advocate Shri G.P. Agarwal

O.A.NO.1853 of 1994

William Dowson, aged about 34 years, Son of Shri D.Dowson, resident of Opposite Central School No.3, RB III/804 A, Khati Baba Road, Jhansi.

Applicant

By Advocates Shri M.P. Gupta
Shri S.K. Mishra

Versus

1. Union of India through General Manager, Central Railway, Bombay VT.

2. Divisional Railway Manager, Central Railway Jhansi.

Respondents

By Advocate Shri V.K. Goel

.....pg.4/-

O.A.No. 785 of 1995

Rajendra Prasad, aged about 34 years, Son of Shri Hari Ram resident of 24, Pulliya No.9, Jhansi.

Applicant

By Advocate Shri R.K. Nigam

Versus

1. Union of India through General Manager, Central Railway, Bombay VT.

2. Chief Workshop Manager, Central Railway Workshop, Jhansi.

Respondents

By Advocate Shri J.N.Singh

O.A.No. 1204 of 1995

Bhaiya Lal, aged about 30 years, Son of Shri Halkoo resideent of village and Post Dailwara , Tehsil Lalitpur, District Lalitpur.

Applicant

By Advocate Shri R.K. Nigam

Versus

1. Union of India through General Manager, Central Railway, Bombay VT.

2. Divisional Railway Manager, Central Railway, Jhansi.

Respondents

By Advocate Shri A.V. Srivastava

O.A.No.38 of 1996

Abdul Majeed, a/a 34 years, Son of Shri Shafi Mohammad, resident of c/o Station Master, Sagir Ahmad, Mohalla Bhatipura, District Mahoba.

Applicant

By Advocate Shri R.K. Nigam

.....pg.5/-

1. Union of India through General Manager, Central Railway, Bombay VT.

2. Divisional Railway Manager, Central Railway, Jhansi.

Respondents

By Advocate Shri G.P. Agarwal

O.A.NO. 149 of 1996

Alyas Khan aged about 32 years Son of Shri Baboo Khan, R/o House No.36, Pulliya No.9, Nayapura, Jhansi.

Applicant

By Advocate Shri R.K. Nigam

Versus

1. Union of India through General Manager, Central Railway, Bombay VT.

2. Chief Workshop Manager, Central Railway, Jhansi.

Respondents

By Advocate Shri G.P. Agarwal

O.A. No. 157 of 1996

Ashok Kumar, aged about 25 years, Sonof Shri Dhani Ram, resident of Nal Ganj, Bhehinds.I.College, Sipri Bazar, Jhansi.

Applicant

By Advocate Shri R.K. Nigam

Versus

1. Union of India through General Manager, Central Railway, Bombay VT.

2. Divisional Railway Manager, Central Railway, Jhansi.

Respondents

By Advocate Shri Amit Sthalekar

O.A.No. 768 of 1996

1. Mukesh Kumar Gautam aged about 30years, Son of Shri Ram Pratap Gautam R/o Samgam Bihar Colony, Nandanpura, Jhansi.

~~By Advocate Shri R.K. Niga~~

.....pg.6/-

2. Kailash Chandra, aged about 36 years, Son of Shri Bhaiya Lal, R/o 83 Nandanpur, Jhansi.

3. Raees Ahmad aged about 37 years, Son of Shri Nabi Ullah R/o 52, Hajaryana, Jhansi.

4. Hari Ram, aged about 31 years, Son of Shri Panna Lal R/o Nandanpura, Sipri Bazar, Jhansi.

5. Narayan Dass aged about 32 years, S/o Shri Baijnath R/o 60, Masiha Ganj, Jhansi.

6. Santosh Kumar Tiwari, aged about 35 years, Son of Shri Hari Ram Tiwari, R/o 22 Raiganj, Jhansi.

7. Man Singh, aged about 33 years Son of Shri Devi Pd. R/o Nadi Par Tal, Morar, Gwalior.

8. Jang Bahadur, aged about 27 years, Son of Shri Bhagwan Dass R/o Nadi Par Tal, Murar, Gwalior

9. Santosh aged about 30 years Son of Shri Brij Lal R/o Orchha Rly.Station, District Tikamgarh.

10. Raju, aged about 28 years son of Shri Kamla Prasad, R/o near Ara Mill Naya Kuya Ka Pass Gwalior.

11. Garib Dass aged about 28 years Son of Shri Ramnath R/o Village and Post Kumarrah, Orchha District Tikamgarh.

12. Mahendra Singh aged about 28 years, Son of Shri R.K. Singh, resident of village Bhattagaon, District Jhansi.

13. Ali Raza, aged about 30 years, S/o Shri Mohd. Nasib RB I 753-F, Rani Laxmi Nagar, Jhansi.

Applicants

By Advocate Shri R.K. Nigam

Versus

...pg.7/-

1. Union of India through General Manager,Central Railway, Mumbai CST.

2. Divisional Railway Manager, Central Railway, Jhansi.

Respondents

By Advocate Shri G.P. Agarwal

O.A.No. 882 of 1996

1. Amrit Lal aged about 36 years, Son of Shri Ram Charan, resident of Shreeram Colony, Dabra District Gwalior.

2. Rajendra Prasad, aged about 35 years Son of Shri Ram Swewak Srivastava, resident of village Barotha Rajan Ki Pahariya, Tehsil Dabra,Distt. Gwalior.

3. Mahendra Singh, aged about 37 years, Son of Shri Ram Singh R/o 243 Nanak Ganj, Sipri Bazar, Jhansi.

4. Vindraban aged about 36 years, Son of Shri Kamta Pd.R/o Shikishit Colony, Bujurg Road, Dabra, District Gwalior.

5. Suresh aged about 31 years Son of Shri Devi Lal Jatav R/o Haripur Custom Road, Dabra, District Gwalior.

Applicants

By Advocate Shri R.K. Nigam

Versus

1. Union of India through General Manager,Central Railway, Mumbai CST.

2. Chief Personnel Officer, Central Railway,Mumbai CST.

3. Divisional Railway Manager, Central Railway, Jhansi.

Respondents

By Advocate Shri A.K. Gaur

....pg.8/-

O.A.No. 1084 of 1996

1. Munna Lal, aged about 37 years, Son of Shri Kashi Ram, resident of 102, Outside Datia Gate, Jhansi.

2. Kamlesh Kumar aged about 35 years, Son of Shri Nathoo Ram, resident of 188 Inside Datia Gate, Jhansi.

Applicants

By Advocates Shri R.K.Nigam
Shri Rakesh Verma

Versus

1. Union of India through General Manager, Central Railway Mumbai CST.

2. Chief Workshop Manager, Central Railway Workshop, Jhansi.

Respondents

By Advocate Shri Prashant Mathur

O.A.No. 1217 of 1997

1. Mohammad Nasir Khan, Son of Badloo, resident of Sadan Puri, Orai, at present residing at House No.1, Hazari Purwa, Orai.

2. Sughar Singh, Son of Jhanda Singh, resident of Village Chain Ka Purwa, Post Amaraudha, District Kanpur Dehat.

Applicants

By Advocate Shri R.K. Rajan

Versus

1. Union of India through the Secretary, Ministry of Railway, Rail Bhawan, New Delhi.

2. General Manager, Central Railway, Bombay VT.

3. Divisional Railway Manager, Jhansi.

4. Permanent Way Inspector, Orai.

Respondents

By Advocate Shri G.P. Agarwal

..pg.9/-

O.A.No. 37 of 1998

1. JAGDISH son of Kamta
2. CHEDA LAL son of Kheri
Both resident of village and Post Patgora, District HAMIRPUR.

3. HAR GOVIND son of Chakki Lal, resident of village Matchhari, Post Rawatpur, District HAMIRPUR.

Applicants

By Advocate Shri R.K. Rajan

Versus

1. Union of India through the Secretary of Rail Bhawan, New Delhi.

2. The General Manager, Bombay V.T.

3. The Divisional Manager Railway, Jhansi.

4. The Inspector of Works, Kanpur Jhuhi under D.R.M. JHANSI.

5. The Permanent Way Inspector, Mauranipur, HAMIRPUR.

Respondents

By Advocate Shri G.P. Agarwal

O.A.No. 131 of 1998

Shyam Sunder, aged about 35 years, Son of Shri Ram Sewak, resident of village Baragaon, Post Baragaon, Tehsil Orai, District Jalaun(U.P.)

Applicant

By Advocate Shri R.K. Nigam

Versus

1. Union of India through General Manager, Central Railway, Mumbai CST.

2. Divisional Railway Manager, Central Railway, Jhansi.

...pg.10/-

3. Chief Permanent Way Inspector, Central Railway, Orai.

Respondents

By Advocate Shri G.P. Agarwal

O.A. No. 136 of 1998

Devi Dayal, aged about 36 years, Son of Shri Gorey Lal, resident of village Sahao Tehsil Jalaun, District Jalaun.

Applicant

By Advocate Shri R.K. Nigam

Versus

1. Union of India through General Manager, Central Railway, Mumbai CST.

2. Divisional Railway Manager, Central Railway, Jhansi.

3. Chief Permanent Way Inspector, Central Railway, Orai.

Respondents

By Advocate Shri G.P. Agarwal

O.A.No. 222 of 1998

1. RAM BABOO Son of Ram Gopal, resident of village and Post USAR GAON, District JALAUN.

2. MAHESH, Son of Shyam Lal, resident of village Harkupur, Post USAR GAON, District JALAUN.

Applicants

By Advocate Shri R.K. Rajan

Versus

1. Union of India and Others through the Secretary, Ministry of Railway, Rail Bhawan, New Delhi.

2. The General Manager, Central Railway, Mumbai CST.

3. The Divisional Manager, Central Railway, Jhansi.

4. Permanent Way Inspector, Central Railway, Orai, Jalaun

By Advocate Shri G.P. Agarwal

.....pg.11/

O.A.No. 287 of 1998

1. Shiv Charan Singh S/o Bhagwan Deen
2. Kaushlend Kumar S/o Ganesh Prasad
3. Shyam Lal s/o Shanker
4. Munna S/O Ram Kumar
5. Mool Chand S/O Baldev
6. Shiv Waran S/O Shyam Sunder
7. Ram Behari S/O Khumani
8. Raja Nati S/O Vikaa
9. Susheel Kumar S/O Bhagwan Das
10. Lakhan Baboo S/O Shree Gopal
11. Pahalwan Singh S/O Kumod Singh
12. Hira Lal S/O Jhalloo Ram
13. Munni Lal S/O Kamta
14. Bhola S/O Kamta
15. Ram Bahori S/O Chunna
16. Ram Manohar S/O Ram Bharosa
17. Badri Vishal S/O Mairma
18. Ram Narain S/O Binda
19. Ram Swaroop S/O Gujja
20. Jag Kishore S/O Sadla
21. Shree Pal S/O Lotan
22. Ram Das S/O Karha
23. Rameshwar S/O Shiv Balak
24. Laanman S/O Phallo Ram
25. Jugal S/O Shiv Nandan
26. Babboo S/O Ram Nath
27. Anandi Prasad S/O Ram Asrey
28. Janki Prasad S/O Ganga Prasad
29. Shiv Bharan S/O Ram Prasad
30. Sudama Prasad S/O Baijnath
31. Achari Lal S/O Ram Lal
32. Baboo Lal S/o Nand Ram
33. Ram Sharan S/O Chhedi Lal
34. Ram Vishal S/o Jagan Nath
35. Ram Pal S/o Chunwad
36. Ganga Prasad S/o Gorey Lal
37. Haseen Khan S/o Sultan Khan
38. Jameel Khan s/o Khaleel Khan
39. Swali S/o Shiv Nayak
40. Rameshwar S/o Ram Nath
41. Ram Das S/o Vindraban

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42. Shivdeen S/O Magan
43. Hari Shankar S/O Jamuna
44. Prem Das S/O Chhaggoo
45. Ram Milan S/O Wodhan
46. Chhota S/O Mata prasad
47. Raghuveer Dayal S/O Ram Sajeewan
48. Bhawani Deen S/O Ram Nath
49. Jageshwar S/O Ram Pal
50. Jageshwar S/O Ram Kishore
51. Moti Lal S/O Ram Lal
52. Chhota S/O Ram Lal
53. Shiv Kumar S/O Ram Manohar
54. Natthoo S/O Lalloo
55. Chunno S/O Jagdish
56. Sheshan S/O Siddhoo
57. Sheo Mangal S/O Ram Manohar
58. Rameshwar S/O Kashi
59. Ram Chandra S/o Gajraj
60. Ram Kumar S/o Bodaram
61. Ram Charan S/o Manmohan
62. Brijkishore Goswami S/o Uma Shanker

Residents of

P.W.I. Complex Chitrakutdham Karwi
Chhatrapati Sahu jimaharaj Nagar, U.P.

Applicants

By Advocate Shri R.K. Nigam

Versus

1. Union of India (Through : General Manager, Central Railway, Mumbai CST).

2. Divisional Railway Manager, Central Railway, Jhansi Division, JHANSI.

3. Senior Sectional Engineer(Permanent Way Inspector) Central Railway, Chitrakot Dham Karvi, District Chhatrapati Sahujee Maharaj (U.P.)

4. Senior Sectional Engineer(Permanent Way Inspector), Central Railway, District Banda(U.P.)

Respondents

By Advocate Shri G.P. Agarwal

....pg.13/-

O.A.No. 587 of 1998

Kailash Chandra, aged about 42 years, Son of Shri Ram Krishna, resident of Gali Bansidhar, Tundla, District Agra.

Applicant

By Advocate Shri R.K. Nigam

Versus

1. Union of India through General Manager, Northern Railway, Bearoda House, New Delhi.

2. Divisional Railway Manager, Northern Railway, Allahabad.

Respondents

By Advocate Shri A.K. Pandey

O.A.No.1194 of 1998

Shiv Sagar, S/o Shri Kannauji Lal, R/o Rathera, Post Indauli, District Mainpur.

Applicant

By Advocate Shri C.P. Gupta

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.

2. Divisional Railway Manager, Northern Railway, Allahabad.

3. P.W.I./Northern Railway, Mainpur.

Respondents

By Advocate Shri G.P. Agarwal

O.A.No. 158 of 1999

REHANULLAH S/O LATE AMINULLAH R/o 168 Pura Manohar Das Akbar Pur, Allahabad.

Applicant

By Advocate Shri A.K. Srivastava

Versus

...pg 14/-

1. Union of India through Divisional Rail Manager, Northern Railway, Allahabad Division, Allahabad.

2. Senior Divisional Engineer, Northern Railway, Allahabad Division, Allahabad.

Respondents

By Advocate Shri G.P. Agarewal

O.A.No. 378 of 1999

1. JHALLU son of Mulla, resident of village and Post Makarbai, District Hamirpur.

2. Shree Pal Son of Saukhi Lal.

3. Gulab Son of Rajuwa, Both resident of Village and Post Sukaura, District Hamirpur.

4. Mata Deen Son of Jagannath, resident of village Daharra, Post Makarbai, District Hamirpur.

All the applicants worked under the Permanent Way Inspector, Chitrakut Dham Karwi, under the control of D.R.M.Jhansi.

By Advocate Shri R.K. Rajan.

Versus

1. Union of India through the General Manager, C. Railway, Mumbai V.T.

2. The Divisional Railway Mangger, C. Railway, Jhansi.

3. The Permanent Way Inspector, Karwi Chitrakut Dham.

Respondents

By Advocate Shri G.P. Agarwal

O.A.No. 956 of 1999

NATHU RAM Son of Budhuya resident of village and Post SUP A, District Hamirpur.

.....pg.15/-

The applicant worked under the Permanent Way Inspector, Chitrakut Dham, Karwi, under the Control of D.R.M., Jhansi.

Applicant

By Advocate Shri R.K. Rajan

Versus

1. Union of India through the General Manager, Central Railway, Mumbai, V.T.

2. The Divisional Railway Manager, Central Railway, Jhansi.

3. The Permanent Way Inspector, Karwi, Chitrakut Dham, Under D.R.M. Jhansi.

Respondents

By Advocate Shri G.P. Agarwal

O.A.No.1107 of 1999

Chandramohan, aged about 37 years, Son of Shri Gajadhar, resident of B-17, Krishna Colony, Jhansi.

Applicant

By Advocate Shri R.K. Nigam

Versus

1. Union of India through General Manager, Central Railway, Mumbai CST.

2. Divisional Railway Manager, Central Railway, Jhansi.

Respondents

By Advocate Shri G.P. Agarwal

O.A.No.1478 of 1999

RANVEER SINGH S/o SITARAM R/o VILLAGE JHAJHUPUR, TEHSIL KARHAL DISTRICT MAINPURI.

Applicant

By Advocate Shri A.K. Srivastava

Versus

.....pg.16/-

1. Union of India through Divisional Rail Manager, Northern Railway, Allahabad Division, Allahabad.

2. Senior Divisional Personal Officer, Northern Railway, Allahabad Division, Allahabad.

Respondents

By Advocate Shri Prashant Mathur.

O.A.No. 343 of 2000

OMKAR SON OF MANNA resident of village Gujrai, Tehsil Akbarpur, District Kanpur Dehat.

Applicant

By Advocate Shri R.K. Rajan

Versus

1. UNION OF INDIA, THROUGH THE GENERAL MANAGER MUMBAI V.T.

2. The Divisional Railway Manager, JHANSI.

3. The Station Master, Lalpur, under D.R.M. JHANSI.

Respondents

By Advocate Shri G.P. Agarwal

O.A.No. 974 of 2000

Nabab Ali S/o Sri Vakil Ahmad Resident of Room No. 131/138, Begumpurva, P.O. Munsipurva, District Kanpur Nagar.

Applicant

By Advocates Shri B.N. Singh
Shri C.Srivastava

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.

2. Divisional Superintending Engineer(C) Northern Railway, D.R.M. Office, Allahabad

.....pg.17/-

3. Inspector of Works(I) Northern Railway, Kanpur(Nirman Nirikshak(N.Rly. Kanpur)

~~Appl~~Respondents

By Advocate Shri Prashant Mathur

O_R_D_E_R

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

In all the Original Applications, as mentioned above, the question of law and facts involved are almost of similar nature and can be conveniently disposed of by a common order, for which the learned counsel for the parties have no objection. O.A.No.1325 of 1993 shall be the leading case.

2. In all these O.As the applicants have claimed the relief for a direction to the respondents to re-engage the applicants in service, to verify from the original cards and pay slips, the days they have worked ~~and pay slips~~, and to include their names in the Live Casual Labour Register according to their seniority, to give them all the privileges and the benefits for which a casual labour with temporary stauts is entitled and thereafter to regularise their services.

3. Counter-affidavits have been filed in all these cases and the claim of the applicants have been strenuously opposed on the ground of limitation and it has been emphasised that the applicants are not entitled for the reliefs they have claimed, as the O.As are highly barred by period of limitation and liable to be discarded on this ground

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alone. In order to appreciate the controversy the facts in brief giving rise to the controversy are being examined separately in each O.As:-

3(i) O.A.No. 1325 of 1993

Shri Ganga Ram-applicant in this O.A. pleaded to have worked in three spells;

22.09.1970 to 18.12.1970

22.12.1970 to 18.03.1971

25.03.1971 to 18.07.1971

He has filed this O.A. on 02.9.1993 i.e. after about 22 years and claims the O.A. to be within time.

3(ii) O.A.No. 1922 of 1993

The applicant-Sheikh Zahiruddin claims to have worked for 144 days in between 25.12.1984 to 18.05.1985. The O.A. has been filed on 22.12.93 i.e. after about 8 years from the date when he worked last.

3(iii) O.A.No.1347 of 1994

The applicant-Vijay has brought this O.A. on 02.09.94 on the strength of his having worked for 490 days in between 06.11.1987 to 31.03.1989 in three spells, thereby he filed O.A. after about 5 years.

3(iv) O.A.No. 1752 of 1994

Shri Shyam Babu filed this O.A. on 17.11.94 putting forward his claim for having worked 299 days

...pg.19/-

in between 23.4.1985 to 28.07.1987 in three spells. He has claimed that in the process of regularisation he was medically examined, but annexure A-1 shows that after expiry of period of panel, he was no more on roll as per report dated 18.08.94. The O.A. was filed on 17.11.1994 i.e. abfter about 7 years.

3(v) O.A.No. 1777 of 1994

Shri Kishori Lal has filed this O.A. on 22.11.1994 on the strength of his having worked as Seasonal Waterman(casual labour) from 01.10.85 to 06.10.85 and also form 29.10.85 to 31.10.85 and also as Seasonal Waterman at Jhansi station in five spells from 01.04.87 to 22.07.91 and thereby he filed this O.A. after a period of more than 3 years. He also claims that the petition is within period of limitation.

3(vi) O.A.No.1851 of 1994

This is an application preferred by Peter Henery on 08.12.94 who claims to have worked as Box Boy for the period as detailed in annexure A-1. According to which he remained engage between 02.4.86 to 10.11.89 in 8 spells and thereby after about 5 years from the date he worked last, he filed this O.A. He also declared that the O.A. is within time.

3(vii) O.A No.1853 of 1994

This is an O.A. filed by Shri William Dowson on 08.12.94 and claims to have worked in

...pg.20/-

six spells in between period from 03.02.78 to 18.07.85. He has also impugned the letter dated 19.06.85(annexure A-2) through which he has been disengaged w.e.f. 18.07.85. He has also declared the O.A. to be within limitation.

3(viii) O.A.No. 785 of 1995

On 01.08.95 Shri Rajendra Prasad brought this O.A. claiming the relief in respect of his service status for having worked from 28.11.74 to 21.03.84 in different spells. He has also filed M.A.No.2030/95 for condonation of delay in filing the O.A. on the ground that he was assured that his name shall be brought in the panel and screening, which was going to take place in the Month of April, 1995 and thereby he was mislead by the concerned dealing Clerk. Apparently it is not an acceptable ground which is vague in nature.

3(ix) O.A. No.1204 of 1995

The applicant Bhaiya Lal has filed this O.A. on 15.11.95 seeking direction to the respondents that the appointment order in respect of the applicant be issued in the wake of his juniorscounter parts having been cleared for absorption in Group 'D' cadre. He has also filed a notification dated 07.02.89. In the counter-affidavit, the respondents have raised preliminary objection regarding the bar of limitation and also mentioned that screening for absorption was conducted in April/May, 1989 and the

...pg.21/-

panel of screened candidates was declared on 28.09.89. The applicant was at serial no.50 in the list of eligible candidates, but despite wide publicity of the screening, neither the applicant appeared before the Screening Committee nor sent any application regarding his absence, hence could not be considered for screening. The applicant has come up on 15.11.95 claiming his relief against the panel declared on 28.09.89 i.e. after about six years.

3(x) O.A.No. 38 of 1996

Shri Abdul Majeed claims to have worked as casual labour from 08.6.82 to 21.04.92 in several spells and claims service benefits for which he has filed this O.A. on 04.01.1996, claiming the O.A. to be within limitation, which has been filed after about 4 years.

3(xi) O.A.No. 149 of 1996

This application has been preferred by Shri Alyas Khan who filed the O.A. on 07.02.96 and has claimed the relief on the strength of having worked as casual labour from 01.12.83 to November, 1985 in four spells. The applicant has also mentioned that he worked for few days from 06.5.86 to 14.5.86 as Seasonal Waterman. The applicant has also filed annexure A-5 to the effect that from 10.11.86 he is continuously working as Helper Cook in Supervisors Training Centre, Hostel Mess, Central Railway. The respondents have raised the plea of limitation and also disputed the period of work as claimed by the applicant. Regarding his

....pg.22/-

being engaged as Helper Cook, it has been submitted in the counter-reply that it is irrelevant for the purpose of the relief sought in this O.A. and applicant has filed this O.A. after more than 10 years from the ~~fa~~date when he last worked.

3(xii) O.A.No. 157 of 1996

So long this matter was ~~lis~~being listed before the Division Bench, but now it has been placed before Single Member Bench as it relates to casual labour regularisation case. Shri Ashok Kumar filed this O.A. on 08.2.1996 seeking relief for confirment of status of M.R.C.L. and to absorb finally on the basis of quantum of service he rendered, as detailed in para-4.1 of the O.A, according to which he worked for 123 days in between December, 1992 to April, 1993 in five spells. He claims the O.A. to be within time which has been filed after 3 dayears from the date he worked last.

3(xiii) O.A.No. 768 of 1996

Mukesh Kumar and 12 others have filed this O.A. on 18.7.96 for having worked in different spells and different time, but none of these applicants worked after 22.7.1991 which is the last working day of applicant-Shri Man Singh. Thereafter neither the applicants Man Singh nor any of the other applicants who have joined in this O.A. has worked. They claimed the application to be within time.

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3(xiv) O.A.No.882 of 1996

Amrit Lal and four others have filed this

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O.A. on 12.08.96 for having worked in different spells of time, but with the specific mention that Shri Amrit Lal-applicant no.1 has lastly worked on 22.7.1991. Similar is position with applicant no.2 Rajendra Prasad, applicant no.4-Vindraban and applicant no.5-Suresh, whereas there is mention that Mahendra Singh-applicant no.3 worked upto 29.7.91 and thereby all these five applicants worked in between 20.07.77 to 29.07.91 with different periods and spells to their credit. They claimed to have filed application within limit of time though it has been filed after about five years from the date when the last man worked.

3(xv) O.A.No. 1084 of 1996

Munna Lal and Kamlesh Kumar have claimed to have worked from 17.1.1984 to 15.10.1985 and 17.04.1984 to 15.10.1985 respectively in different spells. They also claimed to have acquired M.R.C.L. status. The O.A. has been filed on 04.10.96 i.e. after 11 years from the date when they worked last but have claimed the O.A. to be within time.

3(xvi) O.ANo. 1217 of 1997

Mohd.Nasir Khan and Sughar Singh have filed this O.A. The applicant no.1-Mohd.Nasir Khan claims to have worked in open line from 25.12.81 to 18.09.82 and in the second sepell he worked from 20.11.82 to 18.02.83. The applicant no.2 Shri Sughar Singh has pleaded that he was not given service card, but regularly paid monthly salary through pay slip and has filed the pay slip for the month

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month of April, 1983 according to which he worked only upto 18.04.83. The respondents have claimed in their C.A. that the O.A. is barred by period of limitation and the applicants were engaged in the project and when the project work came to an end the applicants have been disengaged. The O.A. has been filed on 17.11.97 after 14 years with the claim that it is within limitation of time.

3(xvii) The applicants Jagdish, Cheda Lal and Har Govind have filed this O.A. on 08.01.98. As per their claim, the applicants Jagdish and Cheda Lal worked between 22.08.80 to 20.09.83, whereas the applicant no.3 Shri Har Govind worked from 25.07.83 to 18.11.83 and again from 18.11.84 to ~~18.04.85~~ 18.04.85. They claimed that by the orders and modifications issued from time to time, they became entitled to be brought on Live Casual Labour Register and be given consequential benefit of temporary status and regularisation. The O.A. is claimed to be within limitation which has been filed after about 13 years from the date when Shri Har Govind was disengaged, who claims to have worked even after the other twos were disengaged.

43(xviii) O.A.No. 131 of 1998

This application has been brought on 04.02.1998 by Shri Shyam Sunder who claims to have worked for more than 200 days in between 03.05.82 to 18.09.84 in different spells. The applicant claims to have submitted this O.A. within limit of time. The respondents have attacked on limitation

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side mentioning that the O.A. has been filed after about 14 years when the cause of action is claimed to have been accrued.

3(xix) O.A.No. 136 of 1998

It is an application by Shri Devi Dayal filed on 04.02.1998 in which the applicant claims to have worked from 03.02.1982 to 18.01.1985 in different spells. He also claims that bar of limit- of time does not come in his way. Prima facie the O.A. has been filed after about 13 years.

3(xx) O.A.No.222 of 1998

The applicant-Ram Baboo claims to have worked from 03.04.85 to 18.08.85 and the other applicant Mahesh ~~Iq~~ claims that he worked from 03.04.84 to 18.06.85 and on the strength of the days they have worked they claimed to be engaged and give consequential benefits. They have also a claim that the juniors to them have been engaged and preferred over the claim of the applicants. The respondents have denied the allegation and pleaded that the O.A. is barred by limitation which has been filed after about 13 years when cause of action, if any, accrued.

3(xxi) O.A.No. 287 of 1998

Shiv Charan Singh and 61 others have filed this O.A. on 11.3.1998 claiming relief to the effect that they be re-engaged as casual labour/M.R.C.L. in accordance with their seniority. They be subjected to screening and absorbed against permanent vacancies. Amongst the applicants, first to be engaged was

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Rameshwar-applicant no.23 on 22.2.1979 and last to be disengaged ~~his~~ only Lakhan Babu-applicant no.10 who worked upto 18.12.86. The respondents claimed that the O.A. which has been filed after about 12 years, is grossly barred by limitation, if the dates mentioned by the applicant with regard to their having worked, is taken to be correct and cause of action is reckoned accordingly.

O.A.No. 587 of 1998

3(xxii) Shri Kailash Chand who worked as casual labour from May, 1978 to October, 1978 has filed this O.A. on 26.5.1998 claiming benefit which could be available to him from the Judgment and the departmental notifications issued from time to time. The respondents have first attacked on limitation front with the mention that the applicant got up from deep sleep after about 20 years when not only the claim has become barred by limitation, but the bar of age also comes to play.

3(xxiii) O.A.No. 1194 of 1998

Shri Shiv Sagar claimed to have worked for 1085 days in different spells from 10.01.1976 to 13.0983 and has filed this O.A. on 28.10.1998 claiming benefit of the services he rendered. He has declared the O.A. to be within period of limitation though filed after about 15 years when cause of action, if any, accrued to him.

3(xxiv) O.A.No. 158 of 1999

Shri Rehanullah has filed this O.A. on 15.02.99 with the mention that he becomes entitled to relief of being absorbed in the respondents....pg.27/-

establishment because of his having worked for 144 days in different spells from 22.12.1975 to 13.08.1978. The respondents have attacked on limitation side with the mention that the applicant has come up after 21 years from the date when cause of action, if any, accrued to him. It has also been mentioned on behalf of the respondents that now at this stage, the bar of age will also hound the applicant.

3(xxv) O&A.No.378 of 1999

Jhallu and three others have filed this O.A. on 01.4.99 claiming relief of being engaged as casual labour in the respondents establishment and provided with benefit of services they have rendered to the respondents. The detail of which has been given in the O.A. which is being summarised as under;

(a)	Jhallu	30.12.1982 to 18.08.1984	In different spells.
(b)	Sri Pal	22.12.1983 to 18.10.1983	
(c)	Gulab	12.12.1982 to 18.07.1983	
(d)	Mata Deen	03.01.1983 to 24.07.1983	

The above description goes to indicate that first to be engaged was Sri Gulab who joined on 12.12.1982 and last to be disengaged was Shri Jhallu whose last working dated is 18.08.1984. The respondents have raised preliminary objection on limitation front with the mention that if any cause of action accrued to any of the applicants, was latest on 18.08.1984 and the O.A. has been filed after 15 years therefrom whereas the applicants claimed that the O.A. is within period of limitation.

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3(xxvi) ~~No~~O.A.No.956 of 1999

Nathu Ram has brought this O.A. on 13.08.99 with the claim that he deserves to be re-engaged in pursuance of the order dated 10.12.1996. The applicant claims to have worked from 19.01.1983 to 18.10.1983. The respondents have raised the plea of limitation in this matter also with the mention that the cause of action if any, accrued to the applicant that could be on 18.10.1983 when he was disengaged and not to be engaged againwand O.A. has been filed after 16 years, therefore, barred by period of limitation.

3.(xxvii) O.A.No. 1107 of 1999

The applicant Chandra Mohan claims to have worked as casual labour from 24.04.1982 to 18.09.1982 and has filed this O.A. on 16.09.1999 claiming the benefit of ~~Courts~~Board's circular dated 07.9.1996. In this matter also, the respondents have raised the plea of limitation.

3(xxviii) O.A.No. 1478 of 1999

Shri Ranveer Singh has filed this O.A. on 02.12.1999 and claims to have worked from April, 1985 to June, 1987 as casual labour under Goods Shed, N.R. Allahabad and on the strength of having worked for 189 days claiming the benefit of circulars issued from time to time and the law laid by the Hon'ble Supreme Court. In this case also the respondents have raised the plea of limitation.

3(xxix) O.A.No. 343 of 2000

Shri Omkar Nath Manna claims to have worked from 01.04.76 to 16.06.1990 in different spells. He

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has filed this O.A. on 27.03.2000 claiming his re-engagement with benefits in accordance with his seniority reckoned on the basis of days he has worked. The respondents have raised the plea of limitation.

3(xxx) O.A. No. 974 of 2000

Nabab Ali has filed this O.A. On 31.08.00 with the mention that he worked as casual labour from 09.07.1977 to 13.08.83 for total number of 656 days in different spells and thereby claims that he has acquired the temporary status and deserves a claim to be re-engaged and give the service benefit in accordance with the days he has worked. In this matter also the plea of limitation has been argued on behalf of the respondents.

4. From the facts mentioned above, it is quite clear that all the O.As under consideration here have been filed in between the period running from five years to 21 years from the date when a cause of action is alleged to have accrued, which period has been calculated from the last date after which the applicants were not allowed to work and cause of action arose to them after that date.

5. Serious preliminary objection has been raised from the side of the respondents in all these matters and it has been submitted that the O.As have been filed after period of limitation as prescribed under Section 21 of the A.T.Act, 1985 and the O.As are liable to be dismissed on the ground of limitation.

Therefore So

Seen

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6. I have heard S/Shri R.K. Nigam, R.K.Rajan, C.P. Gupta, S.K. Mishra, A.K. Srivastava, Rakesh Verma, B.N. Singh, learned counsel for the applicants in their respective cases in which they appeared for the applicants. Also heard S/Shri G.P. Agarwal, J.N. Singh, V.K. Goel, A.V. Srivastava, Amit Sthalekar A.K.Gaur and Shri Prashant Mathur on behalf of the respondents in the respective cases in which they represented.

7. The legal position as referred from ~~the~~ either side is as follows;

Learned counsel for the applicants have submitted that as applicants have worked for good long time as casual labours, as detailed in each of the O.As under consideration, their names were required to be entered in Live Casual labour Register as per notification in this regard, ~~and~~ their non-engagement gives rise to continuing cause of action and thereby the applicants are entitled for the relief claimed and there is no question of their claim being barred by prescribed period of limitation. It has also been submitted on behalf of the applicant that the similarly situated applicants who were dis-engaged like the applicants have already been granted relief by this Tribunal and on the ground of parity, the present applicants are also entitled for similar relief. Learned counsel for the applicants in different O.As , under consideration herein, have placed reliance in a Division Bench Judgment of Principal Bench of the Tribunal in the case of

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Huham Singh Vs. U.O.I. and Others(1993)24 A.T.C. 747 . Reference has also been made to unreported judgment of this Bench of Tribunal delivered on 10.12.1996 in O.A.No.1550 of 1992 Prahlad & Others Vs.U.O.I. & Ors. and also the order dated 24.11.00 in O.A.No.39 of 1998 Virendra Kumar Tiwari Vs.U.O.I.& Ors. Reliance has also been placed on verdict handed down by Hon'ble Supreme Court in U.O.I. & Qrs Vs.Basant Lal and Ors.1992 S.C.C.(L&S) 611 Judgment of Madras Bench of this Tribunal in the case of G.Krishnamurthy Vs.U.O.I. & Others(1989) 9 A.T.C.158 . On the point of continuing cause of action each of the counsel appearing on behalf of the applicants in their respective matters highlighted the decision by Delhi High Court in C.W.P.No.5071 of 1999 decided on 23.08.99(Shish Pal Singh and Others Vs. U.O.I. & Others), wherein it has been held;

> "In 1997-98, juniors to the petitioner were engaged but he was left out. It is then he realised that his name had not been entered in the "live register" and, therefore, not given any engagement. The cause of action accrued to him in 1997-98, even otherwise the cause of action is a continuous one. Hence his original petition was not barred by time."

8. S/Shri G.P. Agrawal, A.K. Gaur, P. Mathur, A.V. Srivastava, J.N. Singh, V.K. Goel and Amit Sthalekar, learned counsel for the respondents have raised the objection of limitation and submitted individually but with a joint assertion that there is no question of any continuing cause of action to the applicants as they were engaged for specific purposes and after the

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work was over, their engagement came to an end. It has further been submitted that the applicants have approached this Tribunal in each case much beyond the period of limitation prescribed for the purpose and there is no acceptable explanation for the delay and, therefore, O.As are grossly barred by limitation and liable to be dismissed. From the side of the respondents, reliance has been placed on the following Judgments;

1. Bhoop Singh Vs.Union of India and Others A.I.R. 1992 S.C. 1414.

2. Ratan Chand Samanta and Others Vs.Union of India and Others A.I.R.1993 S.C.2276.

3. Scooter India and Others Vs. Vijai E.V. Eldred(1999) 81 FLR 87.

4. Union of India and Others Vs. Nand Lal Raigar AIR 1996 S.C.2206.

5. Dakshin Railway Employees Union Thiruvanantapuram Division Vs. General Manager, Southern Railway & Ors.(1987) 1 S.C.C. 677.

6. O.A.ZNo.1062/97 alongwith connected matters Bal Krishna Vs. U.O.I. & Ors.CaA.T. Allahabad Bench, decided on 12.4.2001.

9. I have considered the submissions of learned counsel for the either side. In Bhoop Singh's case (supra), the question of latches and delay was examined at length and the following law has been handed down;

"There is another aspect of the matter. Inordinate and unexplained delay of latches is by itself a ground to refuse relief to the petitioner, irrespective of the merit of his claim. If a person entitled to a relief chooses to remain silent for long, he thereby gives rise to reasonable belief in the mind of others that he is not interested in claiming that relief. Others are than justified in acting on that behalf. This is more so in service matters where vacancies are required

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to be filled ~~complet~~promptly. A person cannot be permitted to challenge the termination of his service after a period of 22 years, without any ~~eg~~cogent explanation for the inordinate delay merely because others similarly dismissed had been reengaged as a result of their earlier petitions being allowed. Accepting the petitioners contention would upset the entire service jurisprudence and we are unable to construde Dharam Pal in the manner suggested by the petitioner. Article 14 of the principle of non-discrimination is an equitable principle, and, therefore, any relief claimed on that basis must itself be founded on equity and not be alien to that concept. In our opinion, grant of the relief to the petitioner in the present case would be inequitable instead of its refusal being discriminatory as asserted by the learned counsel for the petitioner. We are further of the view that these circumstances also justify refusal of the relief claimed under Article 136 of the Constitution."

10. A bare perusal of the above verdict it is quite evident that the applicants cannot claim similar relief granted to others and also that inordinate and unexplained delay or latches is by itself a ground to refuse the relief to the petitioners irrespective of the merit of his claim.

11. Learned counsel for the applicants have placed much reliance on the Judgment of Allahabad Bench of this Tribunal in the case of Prahalad & others(supra). In that case the petition was filed in the year 1992 and thereby the applicant therein had approached the Tribunal much before the present applicants. I find the verdict given in the Prahlad's

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case cannot be of any help to the applicants in view of observation by the Hon'ble Supreme Court in the Judgment referred above. At another occasion while concerned with Ratan Chand Samanta's case(supra), the Hon'ble Supreme Court rejected the claim on the ground of latches and observed as under:-

> "Two questions arise, one, if the petitioners are entitled as a matter of law for re-employment and other if they have lost their right, if any, due to delay. Right of casual labour employed in projects, to be reemployed in railways has been recognised both by the Railways and this Court. But unfortunately the petitioners did not take any step to enforce their claim before the Railways except sending a vague representation nor did they even care to produce any material to satisfy this court that they were covered in the scheme framed by the Railways.It was urged by the learned counsel for petitioners that they may be permitted to produce their identity etc. before opposite parties who may accept or reject the same after verification. We are afraid it would be too dangerous to permit this exercise. A writ is issued by this court in favour of a person who has some right. And not for sale of roving enquiry leaving scope for manoeuvring. Delay itself deprives a person of his remedy available in law. In absence of any fresh cause of action or any legislation a person who has lost his remedy by lapse of time loses his right as well."

12. In another case Scooter India and Others (supra), the Hon'ble Supreme Court refused to grant the relief where a case was filed after six years. In another case U.O.I. & Ors. Vs.Nand Lal Raigar (supra) , the Hon'ble Supreme Court observed as under;

> "If the dismissed delinquent employee does not avail of the remedy by impugning the order of

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dismissal within limitation, then it would not be opened to him to challenge in the suit that the order of dismissal is in violation of that rules."

13. A large number of cases were filed in various Courts by casual labours claiming regularisation in the light of observation in 'Indra Pal Yadav Vs.Union of India (1985) 2 S.C.C.526. This problem was placed before the Hon'ble Supreme Court in case of "Dakshin Railway Employees Union Thiruvananthapuram Division (supra), the Hon'ble Supreme Court after appreciating the problem held as under;

"Shri Krishnamurthy, learned counsel for Railway Administration brings to our notice the difficulty which will be experienced by the Railway Administration if without any limitation persons claiming to have been employed as casual labour prior to Jan. 1, 1981 keep coming forward to claim the benefits of the scheme. We understand the difficulty of the administration and we, therefore, direct that all persons who desire to claim the benefits of the scheme on the ground that they had beenretrenched before January 1, 1981 should submit their claim to the administration before March 31, 1987. The Administration shall then consider the genuineness of the claim and process them accordingly. "

14. From the above observation by the Hon'ble Supreme Court, it is quite clear that concept of continuing cause of action in the case of casual labours has been disapproved and the same view was adopted by Full Bench of this Tribunal in the case of

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Mahabir and ors.Vs. Union of India and Ors.2000(3) A.T.J. page 1 and it has been observed as under;

> "Provisions of the relevant Railway Boards Circular dated 25.4.1986 followed by the Circular dated 28.8.1987 issued by General Manager, Northern Railway for placing the names of casual labour on the Live Casual Labour Register do not give rise to aecontinuous cause of action and hence the provisions of limitation contained in Section 21 of the Administrative Tribunals Act, 1985 would apply."

15. With the above position in view it can safely be held that the order of Division Bench of this Tribunal as well as the observation by Delhi High Court in Shish Pal Singh's case will not help the applicant to assert the applicability of continuing cause of action in the present matter.

16. Under Section 21 of the Administrative Tribunals Act, 1985 law prescribed a period of limitation within which the O.A. should be filed before the Tribunal. In the matters under consideration, the cause of action arose to the applicants much earlier and in some cases even before the 15 to 20 years. There is also notacceptable explanation for this long and inordinate delay in approaching the Tribunal. The legal position is well settled that limitation for filing the claim in Court or Tribunal starts running from the date of cause of action. Running of limitation cannot be stopped by filing the repeated representations and the period as provided under Section 21 of the

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Act which runs as under;

"21-LIMITATION - (1) A Tribunal shall not admit an application, -

(a) in a case where a final order such as is mentioned in clause(a) of sub-section (2) of Section 20 has been made in connection with the grievance unless the application is made, within one year from the date on which such final order has been made;

(b) in a case where an appeal or representation such as is mentioned in clause (b) of sub section (2) of Section 20 has been made and a period of six months had expired thereafter without such final order having been made, within one year from the date of expiry of the said period of six months.

(2) Notwithstanding anything contained in sub-section (1), where-

(a) the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates; and

(b) no proceedings for the redressal of such grievance had been commenced before the said date before any High Court.

the applicantion shall be entertained by the Tribunal if it is made within the period referred to in clause (a), or , as the case may be, clause(b), of sub-section (1) or within a period of six months from the said date, whichever period expires later.

(3) Notwithstanding anything contained in sub-section(1) or sub-section(2), an application

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may be admitted after the period of one year specified in clause(a) or clause (b) of sub-section(1) or, as the case may be, the period of six months specified in sub-section(2), if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period."

17. If the representation is filed long after the expiry of the limitation and the representation is rejected that will not revive the period of limitation for the cause of action which had arisen long back.

18. After considering the facts and circumstances of each case, I have no doubt that the present O.As have been filed long after the prescribed period of limitation and the applicants cannot be granted relief as sought for. The original applications are dismissed as being barred by period of limitation. However, it is found expedient to clarify that the period of limitation has been prescribed under Section 21 of the Administrative Tribunals Act, 1985 as above for filing the application before the Tribunal, but it has no binding on departmental authorities who can act in accordance to respective departmental rules in this regard. No order as to costs.

Member (J)

|M.M.|