

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 24th DAY OF MAY, 2002

Original Application No. 319 of 1994

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

1. Radhey Shyam, S/o Pancham

R/o village Kuttupur, Post

Sultanpur, district Jaunpur

2. Vijai Shankar, S/o Durga Prasad
R/o village Tarsavan, Post
Mustafabad, district Jaunpur.

3. Suresh Chand Gupta, S/o Ram Dular
R/o Vill.&Post Suvensa,
District Pratapgarh.

4. Amar Nath, S/o Ram Abhilash
R/o Pure Kharagri, P.O.Suvensa
district Pratapgarh

5. Lal Bahadur, S/o Mohan Lal
R/o village Makundganj, purani
Burdahi, district Pratapgarh.

6. Jai Prakash, S/o Ram Bahadur
R/o Pure Kharagrai, Suvensa,district
Pratapgarh.

... Applicants

(By Adv: Shri Sanjay Kumar)

Versus

1. Union of India through the Secretary
Railway Board, New Delhi.

2. General Manager, Northern Railway
Baroda House, New Delhi.

3. Divisional Railway Manager,
Northern Railway, Nawab Yusuf Road,
Allahabad.

4. Senior Divisional Commercial Manager
Northern Railway, Divisional Railway
Manager's office, Nawab Yusuf Road,
Allahabad.

... Respondents

(By Adv: Shri B.B.Paul)

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O R D E R (Reserved)

JUSTICE R.R.K. TRIVEDI, V.C.

The applicants in the above case have claimed that they were engaged as Voluntary Ticket Collectors during Ardh Kumbh Mela and they worked in this capacity from 12.1.1982 to 28.1.1982. On the basis of the aforesaid working, applicants have prayed that the oral termination order by which they were disengaged may be quashed. It has also been prayed that the respondents may be directed to give benefit to the applicants, of Railway Board circular dated 6.2.1990 by reinstating them and regularising their services as Voluntary Ticket Collectors with all consequential benefits.

Resisting the claim respondents have filed counter reply wherein it has been stated that applications have been filed on the basis of false and made up story on the basis of the alleged working certificates. It has been stated that applicants name does not exist in any available record. They have never worked as Mobile Ticket Collectors or Voluntary Ticket Collectors during the alleged period or otherwise. The certificates are not based on any office record. They are fake and cannot be relied on.

On behalf of the applicants reliance has been placed heavily on the following judgments:

- 1) Sameer Kumar Mukherjee and Ors Vs. General Manager Eastern Railway and Ors, ATR 1986(2) C.A.T-7
- 2) Ms. Neera Mehta and Ors Vs. Union of India and Ors ATR 1989(1) PB Delhi-380



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- 3) Ms.Usha Kumari Anand and Ors Vs. Union of India & Ors ATR 1989(2)CAT-37
- 4) Union of India & Ors Vs.Pradeep Kumar Srivastava & Ors, 1998 SCC(L&S) 1749
- 5) Un reported judgment dated 25.10.1989 Dilip Kumar and Ors Vs. Union of India & Ors, OA No.464/97 alongwith other cases decided by C.A.T Allahabad Bench, Allahabad.

We have considered the claim of the applicant in the light of the aforesaid judgments. However, we find that applicants are not entitled for any relief. Admittedly, applicants have allegedly worked only for a brief period of 16 days i.e. from 12.1.1982 to 28.1.1982. After 28.1.1982 they had not worked with Railways in any capacity. Against 16 days work they could not get even the temporary status on which basis they could claim that the services could not be terminated except by a notice. In case of 'Sameer Kumar Mukherjee(Supra) applicants of that case had worked for more than 365 days continuously. In case of Ms.Neera Mehta(Supra), applicants of that case had rendered service for the period ranging between 1½ years to 5 years. In case of 'Ms.usha Kumar Anand(Supra) the period of duty put in majority of the cases was more than 120 days continuously. From the above facts it is clear that in almost all the cases the applicants had acquired temporary status by rendering service for 120 days or more and thus they had acquired temporary status and had become entitled for reinstatement. In the present case the applicants working is only 16 days they could not acquire temporary status and thus are not entitled for relief as granted in above cases. In case of 'Dilip Kumar and Ors OA No.464/97 decided by this Tribunal on 25.10.99

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Division Bench of this Tribunal considered this aspect.

In para 16 the bench held as under:-

"The applicants had worked for a few days during Ardh Kumbh Mela in 1982 as Volunteers to assist ticket checking staff. They appear to have staked a claim after issuance of instructions of Railway Board dated 6.2.1990 regarding Volunteer/Mobile Booking Clerks. They are thus not covered by instructions of Railway Board dated 6.2.1990 because they were engaged as Volunteers to assist ticket checking staff only for a period of 17 days....."

The claim of the applicants is also barred by limitation as shall be clear from the following:

OA 547/93

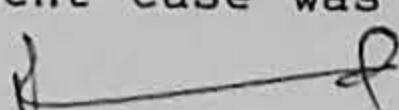
In this case 10 applicants worked from 12.1.1982 to 28.1.1982. After 1982 they filed this OA on 7.4.1993 i.e. after more than 11 years. The claim is clearly time barred.

Hon'ble Supreme court in case of 'Ratan Chandra Samanta and Ors Vs. Union of India and Ors, J.T. 1993(3) S.C.-418 held that casual labourers were employed between 1964 to 1969 and retrenched between 1975-1979. Delay is of over 15 years in approaching the court. The Hon'ble court held that:

" delay depriving person in the remedy available in law has lost his remedy by lapse of time looses his right as well."

The present case is squarely covered by it.

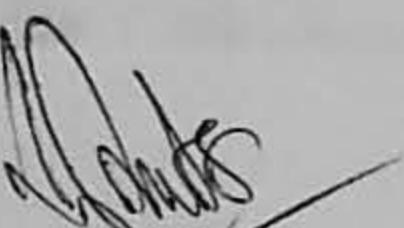
Besides the aforesaid, the applicants have not been able to prove that they actually worked between 12.1.1982 to 28.1.1982 by any cogent evidence. The challenge of the respondents in the present case was that certificates are



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fak, they could not be accepted until proved in accordance with law. However, they have failed to prove this material fact as required in law. In the circumstances narrated above and judged from every angle, the applicants are not found entitled for any relief.

The OA is accordingly dismissed having no merit. There will be however no order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: May 24, 2002

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