

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH, ALLAHABAD

Dated :this the 13th day of February, 1996

O.A. 887 of 1995

Hon'ble Mr.S.Das Gupta.A.M.

Hon'ble Mr.T. L. Verma.J.M.

Veer Singh aged about 32 years son of
Shri Sarman r/o 4/1, Pulliya no. 9,Rail gunj,
Jhansi.

----- Applicant

C/A Shri R.K.Nigam

VERSUS

1. Union of India through General Manager,
Central Railway, Jhansi.
2. Divisional Railway Manager, Central Railway
Jhansi.

----- Respondents

C/R -----

ORDER

The applicant claims that he worked as a casual labour under the railways from 28.9.1983 to 18.1.1984 and thereafter from 21.5.85 to 6.7.1985. These entries as regards his working are there in the casual labour card, which was

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issued to him. However, it is his grievance that entries pertaining to his working during the subsequent periods i.e. 1986, 1987 & 1988 have not been made in the casual labour card. It is also claimed that during 1988 the applicant had continuously worked without break for more than 11 months and he was, therefore, entitled to be granted temporary status. The applicant claims to have ^{made} ~~many~~ representations to the railway authorities for making entries with regard to his working in the casual labour card ^{unsuccessfully}. He has, therefore, approached this Tribunal seeking relief of a direction to the respondent no. 2 to take into consideration the entire working period of the applicant and to make necessary entries in the casual labour card and also confer temporary status on him. He has also claimed that his name be entered in the ^{Live} ~~temporary~~ casual labour register and also to consider him for permanent absorption.

2. The applicant's casual labour card, a copy of which has been annexed (ann. A1) indicates that period of working indicated from 28.9.1983 to 18.1.1984 is correct. The said card contains further entry for the period from 21.5.85 to 6.7.1985. This period has not been certified as correct. There are no entries of working period beyond 6.7.1985. Even if this entry is taken as correct, the applicant was dis-engaged with effect

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from 6.7.1985 and therefore application is wholly time barred. Even if we accept the applicant's claim that he had worked during ~~continuous~~^{various} spells till 1988, the application will still remain barred by limitation. The applicant has filed an application for condonation of delay. Explanation ~~having~~ ^{given} ~~been given~~ therein is not satisfactory. Also ^{Ansir} the applicant claims to have made repeated representations, the only representation on record is one dated 10.3.1994.

3. In view of the foregoing, we have notwithstanding ^{any} ~~any~~ point that the applicant has ~~failed~~ submitted satisfactory explanation for the delay in filing the application. Such explanation not being ~~there~~, we ^{see} ~~see~~ no reason to interfere in this matter.
4. Learned counsel for the applicant submitted that it would be sufficient, if we direct to the respondents to dispose of the representation dated 10.3.94. As the application is time barred and therefore not admissible, we are unable to give any such direction. However, we are making an observation that it would be just and fair on the part of the respondents to consider the aforesaid representation, if the same has been received by them. We, however, leave the matter to the discretion of the railway authorities. The application is dismissed in limine.

J.H.M.
J.M.

W.L.
A.M.