

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1538 of 1999

Allahabad this the 06th day of February, 2001

Hon'ble Mr. Rafiq Uddin, Member (J)

Diwakar, Son of Kallu, resident of Village-Lakhanpur,  
Bhadraon, Post-Dhan Tulsi, District Sant Ravidas Nagar,  
Bhadohi.

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. Divisional Superintending Engineer (General), Northern Railway, D.R.M. Office, Allahabad.
4. Assistant Engineer, Head Quarter, Northern Railway, Allahabad.
5. Senior Section Engineer (II), Northern Railway, Allahabad.

Respondents

By Advocate Shri A.K. Pandey

O R D E R ( Oral )

By Hon'ble Mr. Rafiq Uddin, Member (J)

The applicant has filed this O.A. for direction to the respondents to re-engage him on the post of temporary Khalasi with scale rate under the I.O.W.-II, Allahabad and thereafter regularise his services as per rules.

2. The case of the applicant in brief is

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that he had worked continuously as Casual Labour on the post of Khalasi w.e.f. 25.11.1975 till 20.04.1979 for more than 650 days. The applicant has claimed that he was issued a casual labour service card from the Office of I.O.W., Northern Railway, Allahabad which was got deposited in the Office on the pretext of regularisation of his service. According to the applicant, he has, thus, attained temporary status in open line and, as such, become temporary railway employees. The applicant also claims that he has been medically examined and found medically fit in B-I medical category in Northern Railway Divisional Hospital, Allahabad. The services of the applicant have, however, been not regularised in Group 'D' category and he was thrown out the job. The applicant also approached the Assistant Engineer, Allahabad as well as I.O.W. II, Allahabad to re-engage him as temporary Khalasi but, he was given only verbal assurance. On the advice of certain people, the applicant represented on 21.8.1997 to the Railway Minister and handed over the representation personally, which was forwarded to the concerned authority for appropriate action. Thereafter correspondence have been exchanged amongst the respondents but, no action has been taken for providing job to the applicant or regularisation of his services in the department hence, he has filed this O.A.

3 I have heard the learned counsel for the parties and perused the record.

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4. At the outset, learned counsel for the respondents has raised preliminary objection that the O.A. is grossly time barred because admittedly the applicant was disengaged in the year 1979 whereas he has approached the Tribunal in the year 1999 hence, in view of the decision of the Full Bench of this Tribunal given in "Mahavir & Others Vs. Union of India and Others 2000(3) A.T.J. page 1", the O.A. is liable to be dismissed. Learned counsel for the applicant on the other hand has contended that the respondents are considering the case of the applicant for regularisation of service after the matter was referred to them by the Railway Minister hence, the respondents should be directed to pass order on his representation regarding his regularisation of service. I find that there will be no use to issue direction to the respondents for considering the case of the applicant for regularisation on the basis of fact narrated by the applicant himself in his O.A. ~~and~~ the O.A. appears to be grossly time barred. It was held in the afore-said Full Bench decision that the Railway Board circulars dated 25.4.1981 and 28.8.1987 which provide placement of names of casual labours on the Live Casual Labour Register do not give a continuous cause of action and provision of Section 21 of the Administrative Tribunals Act would be applicable. It is also held that the right to have their names placed in the Live Casual Labour Register accrued in their favour the moment their services were discharged and in case the applicants

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filed application seeking benefit of the aforesaid circulars, the provision of Section 21 of the Act would be applicable. In the present case, since admittedly the cause of action arose in the year 1979 when the applicant was disengaged, hence the present O.A. is grossly time barred and the same is dismissed. There will be no order as to costs.

*Rafiqul Haque*  
Member (B)

/M.M./