

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Dated: Allahabad, the 28th day of February, 2001.

Coram: Hon'ble Mr. S. Dayal, A.M.

ORIGINAL APPLICATION No. 244 OF 1999

1. Murli, s/o Shyama, r/o Matkutta, Moghalsarai.
2. Ram Narain, s/o Ram Nath, r/o Kathauri, Alinagar.
3. Rajnath, s/o Bahadur, r/o Nasirpur Pattan Alinagar.
4. Kanahya, s/o Shanker, r/o Patpara Moghalsarai.
5. Shiv Murat, s/o Sechan, r/o Alampur Alinagar.
6. Mohangu, s/o Chauthi, r/o Mahkutta, Moghalsarai.
7. Rajnath, s/o Deonath, r/o Chaturbhujpur, Moghalsarai.
8. Sarju, s/o Jagarnath, r/o Taraj iwanpur, Moghalsarai.
9. Chauthi, s/o Bishwanath, r/o Matkutta, Moghalsarai.
10. Dalsingar, s/o Shiv Pd. Yadav, r/o Kathauri, Alinagar.
11. Paras Nath, s/o Chhotak Yadav, r/o Jhuria Ahraura, Miyapur.
12. Nanhku, s/o Ghur Phekan, r/o Sadalpura, Alinagar.
13. Mohan, s/o Mohangu, r/o Matkutta, Moghalsarai.
14. Laujari, s/o Khichru, r/o Chaturbhujpur, Moghalsarai, District Varanasi.

. Applicants

(By Advocate Sri S.K. Misra)
and Sri S.K. Dey

Versus

1. Union of India, through the General Manager, Eastern Railway, Calcutta-1.
2. The Divisional Engineer (1),
Eastern Railway,
Moghalsarai, Varanasi.

. Respondents.

(By Advocate Sri G.P. Agrawal)

Contd..2

O R D E R (ORAL)

(By Hon'ble Mr. S.Dayal, AM)

This Application has been filed, seeking direction to the respondents to consider the applicants for their regular absorption in Class IV service, in view of their service as casual labour in the past and as reflected in dormant list dated 1.9.89.

2. The claim of the applicants is that they worked as casual labour under I.O.W. S. E. Railway, Mughalsarai before 1.1.1981. The applicants have claimed that C.P.O., Eastern Railway, Calcutta directed the concerned officials to prepare Dormant List of casual labours, who worked before 1.1.81 by his order No.47/87 in Circular No. E-615/O/Pt.VI dated 19.3.1987, it is claimed that dormant list of casual labours was published on 1.9.89, in which names of the applicants found their place. It is also claimed that on 3.7.85, 30 casual labours were granted regular employment, ignoring the claim of the applicants for the same. It is claimed that the applicants were senior to those who were appointed by the letter dated 3.7.85. It is mentioned that the applicants were not aware of the list dated 3.7.85. They claim to have made repeated representations after publication of dormant list dated 1.9.89 and the Divisional Engineer/1 Eastern Railway, Mughalsarai directed AEN (Colony), Mughalsarai, vide letter dated 24.4.98 to do needful action but nothing has been done. It is also contended that the dates of screening had been notified by the Respondents, but no screening was held and, therefore,

applicants made a representation on 2.4.1992. It is stated that Sri Ganesh and Sri Lallan Prasad, who did not work as casual labour were given regular appointment, vide letter dated 3.7.85.

3. The arguments of Sri S.K. Misra, learned counsel for the applicants and Sri G.P. Agrawal, learned counsel for the Respondents have been heard. The learned counsels for the applicants and Respondents reiterated the facts mentioned in the O.A. and counter reply respectively.

4. I have seen Annexure No. A-1, which is an order publishing provisional dormant list of casual labours dated 1.9.89 and the list was to be displayed in the office of Inspector of Works, Eastern Railway, Mughalsarai and representations/complaints collected were to be sent within a period of a month. The list attached with this letter dated 1.9.89 shows that the applicant Sri Murli worked for 215 days after being initially appointed on 15.6.71; the applicant no.4 worked for 172 days after being initially appointed on 15.2.61; applicant no.5 worked for 170 days after being initially appointed on 15.4.61; applicant no.7 worked for 166 days after being initially appointed on 15.7.71; applicant no.6 worked for 104 days after being initially appointed on 15.6.61; applicant no.9 worked for 65 days after being initially appointed on 15.11.70; applicant no.2 worked for 60 days after being initially appointed on 15.7.70; applicant no.13 worked for 53 days after being initially appointed on 15.4.61; applicant no.14 worked for 66 days after

being initially appointed on 15.12.65; applicant no. 12 worked for 20 days after being initially appointed on 15.03.61.

5. Although it is claimed by the applicants that they were senior to the persons mentioned in Annexure A- 2 to the O.A who were appointed on daily rated basis for maintenance of day-to-day working, it has not been shown as to how they claim seniority over the persons mentioned in the order dt. 3.7.85 (Annexure A-2 to the OA). The respondents have denied that the applicants were senior to the persons mentioned in the order dt. 3.7.85. The contention of the applicants that Sri Ganesh and Sri Lallan Prasad had never worked as casual labour has also been denied by the respondents.

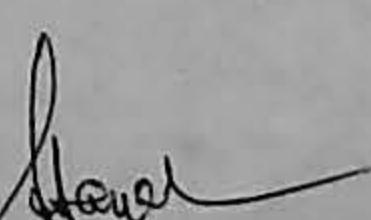
6. The applicants, who have worked way back from 1961 to 1971 have now staked their claim in the present application before me for considering them for regular absorption in Class IV. The learned counsel for the applicants has tried to present the provisional list of casual labours dated 1.9.89 with the finalised (seniority list) dormant list and with circulars dated 19.03.87 and 30.11.87, but these circulars were issued for giving opportunity to open line casual labours, who were discharged before 1.1.81 for want of work or due to completion of work for consideration of their names for inclusion in the Live Casual Labour Register. The letter dated 30.11.87 provides that names of the applicants whose claims as retrenched casual labour are found to be

genuine may be kept in a separate list in the respective seniority units. The list was to be called 'Supplementary Casual Labour Register' and their re-engagement was to be considered only after those borne on the Live Casual Labour Register have been considered for their regularisation. The list at Annexure A-1 to the O.A does not appear to be either a Live Register of Casual Labour or Supplementary Live Register of Casual Labours but only a provisional dormant list (seniority list).

7. The learned counsel for the applicants has stated that the claim of the applicants was under consideration till 24.4.98, when joint application received from Sri Ram Narain and others who were Ex-Khalasi on 13.04.98 was sent by the Divisional Engineer, Eastern Railway to Assistant Engineer (Colony), Eastern Railway, Mughalsarai, who was asked to do the needful. The application dt. 13.04.98 was for consideration of the applicants' claim on the basis of their representation made against the draft dormant list, which was published on 1.9.89.

8. I find that the claim of the applicants is grossly barred by limitation. The filing of belated representation dt. 13.04.98 and referral of the same to the Assistant Engineer (Colony), Mughalsarai does not extend the period of limitation. In the circumstances, there is no merit in the application and the same is dismissed.

No order as to costs.


(S. Dayal)
Member - A.