

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

O.A. No.340 of 1999

This the 26th day of November 2002

HON'BLE SHRI M.P. SINGH, MEMBER (A)

Mohd. Saleem S/o Mohd. Jameel
R/o Village - Karo Post Karo
District - Ballia.

.....Applicant.

(By Advocate :None present even on the second call)

Versus

1. Union of India through General Manager,
N.R. Baroda House, New Delhi.
2. Divisional Rail Manager, Allahabad.
Division Allahabad.
3. Divisional Superintendent Engineer,
N.R. Allahabad, Division, Allahabad.
4. Inspector of Works, N.R. Faizabad.
(By Advocate : Shri P. Mathur)

....Respondents.

ORDER (ORAL)

None^{is} present for the applicant even on the second call.

As this is an old matter, I proceed to dispose of the present DA in terms of Rule 15 of the CAT (Procedure) Rules, 1987.

2. In this DA, the applicant has sought the directions to the respondents to enter the name of the applicant in the Live Casual Labour Register and place the applicant's name above the names of his juniors. The applicant has also sought a direction to the respondents for his reengagement against the posts which are lying vacant.

3. Brief facts of the case are that the applicant was engaged as casual labourer on 11.10.1975 on the post of Khalasi under the Inspector of Works, Northern Railway, Faizabad. He was disengaged on 20.12.1977 for want of work. According to the applicant, he has put in service as casual labourer for about 776 days. He had approached the department for his reengagement as a casual labourer, but he was told that there was no vacancy in the department, despite the fact that he has put in service for more than 240 days as a casual labourer. It is further stated by the applicant that his name had not been included in the Live Casual Labour Register by the respondents. The applicant has made several representations and the last representation was made by the applicant on 14.3.1996

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but no reply has yet been received by the applicant from the respondents on the aforesaid representations made by him. Hence, on 30.3.99 he has filed this OA^{claiming} the aforesaid^{reliefs}.


4. Respondents in their reply have stated that the applicant had been ^{dis}engaged in the year 1977 and he has filed the present OA in the year 1999, as such the present application is not within the limitation period as prescribed under Section 21 of the A.T. Act, 1985 and, therefore, the present application is not maintainable and the same is liable to be dismissed. It is further stated by the respondents that the Railway Board in pursuance of the directions given by the Hon'ble Supreme Court in the matter of regularisation of casual labourers had circulated a Scheme by which a concept of maintenance of Live Casual Labour Register was introduced and accordingly a printed circular^{was} duly circulated by the Railway Board. According to this circular the casual labourers, who were not on roll as on 1.1.1981 and were discharged on completion of the work or for want of any productive work can continue to be borne on the Live Casual Labour Register provided that they have applied for the same by 30.3.1987 and the casual labourers who were on roll after 1.1.1981, their names automatically come ~~in~~ in the Live Casual Labour Register, which is the basis of screening to be conducted by the Railway Administration for getting the services regularised of the casual labourers. According to the respondents, the relevant records of Faizabad office of the Inspectors of Works had been weeded^{out} as such the service period mentionedⁱⁿ the casual labour Card cannot be verified at this belated stage of about 22 years. Admittedly, the applicant has not filed any requisite application as required under the rules for inclusion of his name in the Live Casual Labour Register as such he is not entitled to inclusion of his name in the Live Casual Labour Register and the subsequent representations cannot be said to be the ground for seeking relief as prayed for by the applicant.

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5. Heard learned counsel for the respondents and perused the material placed on record.

6. During the course of the arguments, learned counsel for the respondents has submitted that the applicant was dis-engaged from service in the year 1977 whereas he has filed the present OA in the year 1999 i.e. after about 22 years. The applicant has also not filed any miscellaneous application for condonation of delay in filing the present OA. Hence, the present OA is not maintainable as it is highly barred by the limitation as prescribed under Section 21 of the Administrative Tribunals Act, 1985. Learned counsel for the respondents has also submitted that the applicant had not submitted any representation/requisite application to the respondents at an appropriate time with regard to inclusion of his name in the Live Casual Labour Register. Learned counsel for the respondents has drawn my attention to the judgement of this Tribunal dated 29.10.2002 in OA 887/1998 with OA 993/1999 and has submitted that the present case is covered in all fours by the aforesaid judgement of this Tribunal, and is, therefore, liable to be dismissed.

7. It is an admitted position that the applicant has filed this OA after a delay of about 22 years and that too without filing any miscellaneous ^{application} seeking condonation of delay & giving justifiable reasons and grounds for delay in filing the present OA. I have perused the Tribunal's judgement dated 29.10.2002 in OA 887/1998 with OA 993/1999 and I find that the present OA is fully covered in all fours by the aforesaid judgement of the Tribunal ~~in this case~~ Tribunal has referred the judgement of the Full Bench of the Tribunal in the case of Mahabir and Ors. Vs. UOI and Ors. reported in ATJ (2000) Vol.3 (1) in which the Full Bench had occasion to deal with the following question, namely, whether the claim of a casual labourer who has worked prior to 1.1.1981 or thereafter with the respondents i.e. Railway Administration has a continuous cause of action to approach the Tribunal at any time, well after the period of limitation as prescribed under Section 21 of the Administrative Tribunals Act, 1985, to get a direction to have his name placed on the Live



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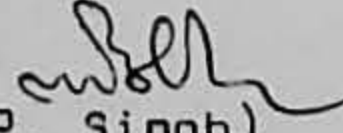
Casual Labour Register. The Full Bench after referring to various judgements relied upon by the applicant therein as well as the respondents therein and the judgements given by the Hon'ble Supreme Court, answered the said issue as under:-

"Provisions of the relevant Railway Board's 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 a continuous cause of action and hence the provisions of limitation contained in section 21 of the Administrative Tribunals Act, 1985 would apply."

They have also relied upon on the latest judgement given by the Full Bench of Hon'ble High Court of Delhi reported in Educational Service Case Journal (2002) Vol.3 (576) wherein once again after referring to the decision given by the Hon'ble Supreme Court in the case of S.S. Rathore and Ratan Chand Samata's case, the Hon'ble High Court of Delhi has held that the cause of action for entering the name in Live Casual Labour Register is not a continuous cause of action.

8. In view of the ratio laid down by the Full Bench of this Tribunal as well as of the Hon'ble High Court of Delhi in the aforesaid judgements, the DA is not maintainable. It is a settled law that mere submitting ^{repeated} representations will not enlarge the scope of the limitation. Even on merits, it is seen that the averments made by the applicant are absolutely vague, as he has neither mentioned full particulars of his engagement nor the names of his juniors against whom he wants that his name be placed above their names in the Live Casual Labour Register.

9. For the reasons recorded above, the present DA is ^{highly time barred and is also} devoid of merit and is accordingly dismissed. There shall be no order as to costs.


(M.P. Singh)
Member (A)

Bravi)