

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Dated, Allahabad, this 5th February, 2001

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

Original Application No. 1315 of 1999

1. Paras Nath, aged about 43 years
S/O Shri Jeeut, R/O Village-
Karmaha Khurd, P.O.- Mugaraha,
District- Gorakhpur
2. Bhragu Mani aged about 43 years,
S/O Shri Basu Dev, R/O village-
Mohaddipur, Post- Jainpur,
District- Gorakhpur
3. Harikesh, aged about 39 years,
S/O Shri Ram Naval, R/O village-
Dohariya, Post- Minawa,
District- Gorakhpur
4. Bali Ram, aged about 39 years
S/O Shri Jai Ram §
R/O Village- Khajo, Post- Dhanchhata,
District- Sant Kabir Nagar
5. Vishwamitra, aged about 41 years
S/O Shri Rajendra R/O Village- Bhaluha (Balahiya)
Post- Turkdeha, District- Kushinagar
6. Sarvesh Kumar, aged about 40 years
S/O Shri Ram Achal, R/O village- Bankata,
Post- Golabazar, District- Gorakhpur

....Applicants

Counsel for the applicants : Shri R. Verma

V E R S U S

1. Union of India through the General Manager,
North Eastern Railway, Gorakhpur
2. The Deputy Chief Engineer,
Gorakhpur Region, North Eastern Railway, Gorakhpur

.....Respondents

Counsel for the Respondents : Shri A. Sthalekar

contd...P/2

R

O R D E R


(Open court)

(Order by Hon'ble Mr.Rafiq Uddin, JM)

The applicants have sought direction to the Respondents to re-engage them as Casual Labours and regularise their services as and when their terms comes. The case of applicants in brief is that the applicant No.1 has worked during the period from 18.3.1976 to 30.11.1979 with some breaks and his total working days is 277, applicant No.2 has worked from 2.1.1973 to 15.5.1977 with some breaks ~~and total number of working days is~~ ^{By for} 302 days, applicant No.3 has worked from 1.12.1977 to 30.11.1978 for 263 days, applicant No.4 has worked from 16.1.1978 to 15.2.1979 for 243 days, applicant No.5 has worked from 16.2.1976 to 30.11.1978 for 251 days, applicant No.6 has worked from 16.1.1977 to 15.3.1979 for 247 days as Casual Labours in the office of Respondent No.2, Gorakhpur. The applicants on the basis of decision of Appex Court ^{in Indu Pal Yadav's case} as well as Prahallad Singh's case have sought their re-engagement and regularisation.

I have heard Shri R.Verma, Learned Counsel for the applicants and Shri A.Sthalekar, Learned Counse for the Respondents.

It is evident from the periods mentioned in the O.A. that all the applicants have worked prior to 1979 and the O.A. was presented in the year 1999. Learned Counsel for the Respondents has contended that the present O.A. of t applicants is obviously time barred and hence the same liable to be dismissed.

 contd...P/3

The question^y whether the O.A. is time barred if the applicants have sought regularisation on the basis of their ~~is~~^R engagement^s after the period of limitation prescribed under the Administrative Tribunal Act has expired^{and the} ~~is~~^s maintainable or not. Learned Counsel for the Respondents has brought to my notice the decision of the Appex Court namely "Union of India and others Vrs.

Pradeek Kumar Saxema (1996) 32 ATC 70["] in which the Appex Court has held that when Daily ^{wager} ~~waiger~~ typist^s approached the Tribunal to engage against regular post several years after discontinuance of their engagement they were not entitled for regularisation. & similarly in " Ratam Samanta and others Vrs. Union of Indian,

JT 1993(3), page 418 same view has been expressed by the Appex Court. ^{It} ~~which~~ has been held that where^{re} the applicants were engaged about 15 years back when they approached the Tribunal remedy was not available for such persons for their regularisation and if a person who has lost his remedy by lapse of time loses his right as well. A Full Bench of this Tribunal in "Mahavir and others Vrs. Union of India" has also expressed the same view. In "Mahavir and others Vrs. Union of India, 2000(3) ATJ page 1 held that the ^R ~~proposition~~^{provisions} of section 21 of the A.T. Act would be applicable to the applications filed seeking benefits of the Railway Board Circular dated 25.4.1981 and 28.8.1987 which provides placement of names of Casual Labour in Live Casual Labour Register

and the same do not give a continuous cause of action.

In view of above proposition laid down by the
Appex Court as well as full Bench of this Tribunal,
the present O.A. is not maintainable being time barred
and the same is dismissed.

No order as to cost.

Rajendra Kumar
JM

kkc