

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1430 of 1999

Allahabad this the 19<sup>th</sup> day of February 2002

Hon'ble Mr.C.S. Chadha, Member (A)

Kambesh Kumar Son of Hardayal, R/o Village Barata Baragaon, District Jhansi U.P. Casual Labour under Station Manager, Central Railway, Jhansi.

Applicant

By Advocates Shri H.P. Pandey  
Shri A.D. Prakash

Versus

1. Union of India through the General Manager, Central Railway, Hdg's Office, CST, Mumbai.
2. Divisional Railway Manager, Central Railway, D.R.M.'s Office, Jhansi.
3. Senior Divisional Personnel Officer, Central Railway, D.R.M. Office, Jhansi.

Respondents

By Advocate Shri G.P. Agarwal

O R D E R

By Hon'ble Mr.C.S. Chadha, Member (A)

The applicant has claimed that he worked as a casual labourer in various capacities under the Station Manager, Central Railway, Jhansi in broken periods between 01.04.85 to 25.5.96. He has alleged that he was removed from service without any written

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order and that his juniors were selected and made regular in a selection in which he was also found medically fit. To support his claim he has filed a copy of the so called certificate from Station Manager, Central Railway, Jhansi, which shows that he worked as a Box Boy between 01.04.85 to 20.04.85, and again between 28.04.85 to 03.05.85. He also claims to have worked as a Waterman between 18.05.86 to 30.05.86, a Call Boy between 03.08.92 to 26.08.92, as a Box Boy between 02.03.93 to 20.07.93, and again between 01.01.1994 to 11.02.94, and lastly he worked as a Casual Worker in the Catering Department from 01.04.95 to 31.08.95. The last mentioned being for a duration of 152 days. He, therefore, has claimed that he should be reinstated in the service and his name be recorded in the Live Casual Labour Register. He has also sought the relief of regularisation as his juniors have already been regularised.

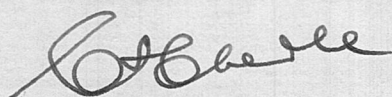
2. In their reply, the respondents have rebutted the charge that he was removed from service. Further it has been claimed that he was not appointed by any railway authority and the broken periods of service which he claims to have done, do not entitle him to the particular appointment that he is claiming. According to them a test followed by a medical test was conducted for only those persons who were already in employment of the railways at that time. In this connection, it has been brought to my notice that the

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advertisement for calling the candidates for the test clearly mentioned that the selection would be from those who are already working in the railways. Counsel for the respondents has also claimed that annexure-2 does not give any particular right to the applicant because it is merely a letter from the Station Manager on the basis of so called Card No.263633 shown before him which, however, has not been placed before this Tribunal while presenting the O.A. and, therefore, the same cannot be relied upon as authentic. The counsel for the respondents claimed that the question of regularisation does not arise because only those already working are regularised. It is claimed by the respondents that the name of the applicant was wrongly included at serial no.43 in the list for screening and merely passing the medical test does not give any right for appointment. It has also been pointed out that annexures A-5 and A-6 claimed to be representation to the department filed in June, 1996 and April, 1996 have not been received by the respondents and the applicant has not rebutted this claim of the railways. It is, therefore, concluded by the respondents that the O.A. is time barred because after 1996, the applicant filed this O.A. in the year 1999.

3. I am inclined to agree with the contention of counsel for the respondents. Firstly the O.A. is time barred because after 1996 when according to the applicant the cause of action arose, he never approached the authorities till 1999.



4. In view of specific selection held in 1996 for those who were already working in the railways at that time, the benefit of regularisation cannot be given to the applicant as according to himself he did not work even <sup>in law</sup> ~~as~~ a casual job after 31.08.95. His claim of working for these broken periods has also been refuted by the respondents. It would not be correct to conclude that his juniors have been regularised because those appointments were made in accordance with the selection from amongst the persons who were already working with the railways. The applicant was not in any casual appointment at the time of selection and, therefore, he cannot claim that his juniors were regularised, more-so when his name is not even on the Live Casual Labour register. The appointments were also not for casual labour but for regularisation of staff already on the rolls.

5. Under the circumstances mentioned above, the O.A. is devoid of merit and is rejected. There shall be no order as to costs.

  
Member (A)

/M.M./