

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.
.....

Original Application No. 561 of 2000
this the 9th day of April 2003.

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Misar, aged about 42 years, S/o Sri Mumtaz, R/o Chamrauda,
Kauchairi, Kauchausi, Etawha, now Auraiya.

Applicant.

By Advocate : Sri S. Madhyan.

Versus.

1. Union of India through General Manager, Central Railway,
Mumbai.
2. D.R.M., Central Railway, Jhansi.
3. P.W.I., Central Railway, Juhi, Kanpur.

Respondents.

By Advocate : Sri G.P. Agrawal.

ORDER (ORAL)

By this O.A., applicant has sought a direction to the respondents to re-engage him as casual labour with temporary status and to regularise him as per rules and to enter his name in Casual Labour Live Register of the unit where he ~~had~~ worked.

2. It is submitted by the applicant that he was initially engaged under IOW, Juhi on 24.9.74 as Khalasi on casual basis and he worked upto 18.7.1976 with artificial breaks. It has been claimed that he had been given casual labour card bearing no.624282. It is further submitted that he was re-engaged on 3.8.1978 and had worked till 25.4.1979, which is evident from the casual labour card (Annexure A-1). He has further submitted that even after 1979, applicant had been allowed to work till 1987, but no entries have been made in the casual labour card after 1979. Therefore, it is submitted by the applicant that he ^{had} attained temporary status as per provisions

of IREM and he could not have been replaced by another casual labour. It is further submitted by the applicant that the casual Booking Clerks who had hardly worked for few days in Kumbh Mela in the year 1983 in Allahabad Division had been given appointment against regular vacancies in Group 'C' post of T.C./Booking Clerk etc. but no such benefit has been given to the applicant. Therefore, he had no other option, but to file the present O.A.

3. The respondents have opposed the O.A. by filing their reply. The basic objection taken by the respondents is that the O.A. is barred by limitation and is fully covered by the judgments given by the Hon'ble Supreme Court in AIR 1985 SC 1715, 1990 ATC (14) 914, O.A. 74/97 reported in 2000 (3) SLJ CAT 277 and also ATJ 2000(1) 1 and the decision given by the Full Bench of Delhi High Court. It is submitted by the respondents' counsel that period of limitation as prescribed under A.T. Act 1985 is one year from the date of cause of action and in the case of Mahaveer Prasad, Full Bench of the Tribunal had held that the limitation would apply even in the case of casual labour as well. Similarly in the Full Bench decision of Delhi High Court, it has specifically been held that even request to put the name in the Live casual labour Register is hit by limitation and it cannot be said to be continuous cause of action. In the instant case, as stated by the applicant himself ⁴⁸ shows that he had last worked in the year 1979, whereas this O.A. has been filed in the year 2000, therefore, definitely this O.A. would be barred by limitation. The applicant has not shown ^{any-where} in the O.A. as to what new cause of action came in his favour to file this O.A. in the year 2000. Since this case is fully covered by the various judgments, as referred to above, I am satisfied that this O.A. is totally devoid of any merits. Accordingly, this O.A. is dismissed on the question of limitation ~~as well as merits both~~. No costs.

GIRISH/

MEMBER (J)