

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

Original Application No. 562 of 2000

this the 9th day of April 2003.

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

Israil Khan, S/o Sri Smile Khan, aged about 39 years, R/o  
Dandarapur, Aaharipur, Bakawar Bhartana, Etawah.

Applicant.

By Advocate : Sri S. Mandhyan.

Versus.

1. Union of India through G.M., 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.

O R D E R (ORAL)

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

2. It is submitted by the applicant that he was initially engaged on 19.7.1979 under IOW, Central Railway, Mathura as Khalasi on casual basis and had worked till 18.1.1982 with artificial breaks. It is further submitted that he was again engaged under PWI, Juhi from 1982 to 1987. It is claimed that <sup>for which he was</sup> later engaged ~~of the applicant~~ under PWI, Juhi, had not been <sup>in the period</sup> ~~entered~~ <sup>included</sup> in the Casual labour card. The applicant had been given casual labour card bearing no. 624282. The applicant was further engaged after 1979 and had worked upto 1987, but the said period had not been shown in the casual labour card. Therefore, it is submitted by the applicant that he attained temporary status as per provisions of IREM and he could not have been replaced by another casual labour. It is also 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, and even now the respondents have issued a notification on 23.5.98 regarding direct recruitment of un-skilled Group 'D' post under Electric Loco Shed, Kanpur only from the candidates of Railway employees or their near relatives/dependents, which is discriminatory in nature as the applicant has preferential right to be appointed against the said post (Annexure A-2). He has, thus, submitted that the respondents ought to have offered appointment to the applicant in place of taking fresh face from outside. 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 the period of limitation as prescribed under MAT Act 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 cases 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 shows that he had last worked in the year 1987, 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 anywhere in the O.A. as to what new cause of action came in his favour to file this O.A. in the year 2000

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Since this case is fully covered by the various judgments as referred to above, I am satisfied that this O.A. is totally unsustainable. Accordingly, this O.A. is dismissed on the question of limitation. No costs.



MEMBER (J)

GIRISH/-