

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD.

ALLAHABAD, THIS THE 30th DAY OF AUGUST, 2005

QUORUM: HON. MR. K.B.S. RAJAN, J.M.

ORIGINAL APPLICATION NO.1543 OF 2002

Jawar Bahadur, son of Shri Sita Ram Prakash Pachauri, Hot Weather Waterman, under the Station Superintendent, Northern Railway, Suriyawan..... Applicant.

Counsel for applicant : Shri S. Dwivedi.

Versus

1. Union of India through General manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Lucknow Division, Lucknow.
3. The Station Superintendent, Suriyawan Station, Northern Railway, Lucknow Division, Suriyawan.

.....Respondents.

Counsel for Respondents : Sri G.P. Agrawal.

O R D E R (Oral)

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The applicant is claiming re-engagement and consequential regularization etc. and the only plus point in this case was that he was engaged as a casual labour from 1981 to 1983. A certificate of engagement was given in April, 1990. It is sometime in 2001 that the applicant wakes up and writes to the department for his re-engagement on the ground that some juniors to the applicant were engaged and regularized.

2. The respondents, in their counter, had clearly stated that after 15.5.1983, the applicant had not worked under any capacity at all.

3. Counsel for the applicant referred to an order dated 3rd November, 1995 in O.A. No.963/92 wherein a direction was given to the respondents to consider the case

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of the applicants therein for regularization in their own turn and in case any junior has been so regularized, the applicants, who were senior and considered fit for regularization, shall be considered for regularization from the date of regularization.

4. Arguments were heard and documents perused. This O.A. has been hopelessly barred by limitation. As rightly pointed out by the respondents after May, 1983, the applicant was not engaged in any capacity. The judgment quoted by the counsel for applicant is also of not any use to the applicant in as much as in that case it has been clearly held that all the applicants 'have been working'. As such, their case is entirely different from the applicant's case. Hence, this O.A., being devoid of merits, is dismissed.

Under the circumstances, no order as to cost.



J.M.

Asthana/