

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.1557 of 2002

Allahabad this the 10th day of January, 2003

Hon'ble Mrs.Meera Chhibber, Member (J)

Rishipal Son of Sri Champati Ram, resident of
village Garariya, P.O. Nauni, District Badaun.
Applicant

By Advocate Shri H.C. Singh

Versus

1. The Union of India through General Manager,
North East Railway, Gorakhpur.
2. Chief Personal/Administrative Officer(Construction) North East Railway, Gorakhpur.
3. Executive Inspector(Survey), North East Railway
Kashipur.

Respondents

By Advocate SHRI K.P. Singh


ORDER (Oral)

By Hon'ble Mrs.Meera Chhibber, Member (J)

By this O.A. the applicant has sought
a direction to the respondents to provide work to
the applicant and regularise his services. ~~The~~
~~brief~~

2. The brief facts as narrated by the
applicant are that he was working on the post of
Surveyor from 21.06.76 to 31.07.77 on daily wages
in the Office of respondent no.3 with all sincerity
and honesty, and had worked for more than 405 days.
The respondent no.3 without any reason given break
had 92

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in service to the applicant and even though the applicant approached the respondents on several occasions, he was not provided any work. Thereafter, railway department had issued a circular on 11.05.1999 regarding the casual labour(annexure-2), pursuant to which the applicant again gave a representation on 17.07.1999, but no reply was given to him. Finally he sent a legal notice through his counsel on 13.03.2002 (annexure-4) but till date the respondents have not disposed off the same. Therefore, finding no other remedy, the applicant is forced to file the present O.A.

3. I have heard the applicant's counsel and perused the pleadings as well.

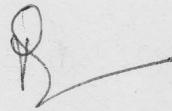
4. The applicant's counsel has mainly relied on circular dated 11.05.1999, but the very heading of the Circular reads as under;

"Screening of Casual Labour borne on the Live Register/Supplementary Register."

5. I have put a specific question to the applicant's counsel whether ~~the~~ applicant's name was entered in the Live Register or not, to which he could not give any reply, nor there is any averment in the entire O.A. to this effect. Therefore, this circular would not be applicable to the applicant at all. Admittedly, the applicant was disengaged in the year 1977 and thereafter no work was given to him. If that was so, his cause of action had arisen ~~in~~ at that time and he ought to have approached at that relevant

time, but he did not file any such case in 1978. The applicant has also stated that persons junior to him have ^{been} ~~given~~ given the work while denying the same to him but ~~this~~ ^{is} averment is absolutely vague in as much as no particulars of the person who is alleged to be junior to him, ^{is} given in the O.A. Therefore, no cognizance of vague averments can be taken by the court.

6. I also find that there is no fresh cause of action ^{said to have} ~~arisen~~ ^B in favour of ~~the~~ applicant in the year 2002 entitling him to file the ^{present} ~~O.A.~~ ^B in the year 2002. Accordingly the O.A. is barred by limitation and is not at all maintainable. The O.A. is accordingly dismissed with no order as to costs.



Member (J)

/M.M./