

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No. 155 of 2002.

Allahabad, this the 21st day of July, 2005.

Hon'ble Mr. A.K. Bhatnagar, J.M.

Narayan Ram,
Son of Nagina Ram,
Resident of village and Post
Tajpur Dehma,
District – Ghazipur.

(By Advocate : Shri Anant Vijay)

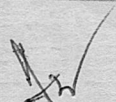
.....Applicant.

Versus

1. Union of India,
Through General Manager,
N.E.R. Gorakhpur.
2. Divisional Rail Manager (Personal)
N.E.R. Varanasi.
3. Divisional Commercial Inspector,
N.E.R. Varanasi.
4. Station Superintendent,
Railway Station- Chitbara Gaon,
N.E.R. Varanasi.
5. Station Superintendent of
Railway Station Tajpur Dehma,
N.E.R. Varanasi.
6. Station Superintendent of,
Railway Station- Dhodha-Deeh,
N.E.R. Varanasi.

.....Respondents.

(By Advocate : Shri Anil Kumar)



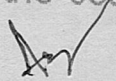
ORDER

By Hon'ble Mr. A.K. Bhatnagar, J.M. :-

By this O.A., the applicant has prayed for quashing the order dated 6.8.2001 passed by respondent No.2 with a further direction to respondent No.2 to enter the name of the applicant in the casual labour live register and permit the applicant to discharge the duties of casual labour (Safaiwala) at Station Varanasi.

2. The brief facts as per the applicant are that he was engaged as Casual Sweeper at Railway Station Tajpur Dehma in the respondents' establishment on 27.5.1988 and completed 164 days service during the broken period till 13.5.1995. Thereafter, he was not provided casual work since 13.5.1995. The grievance of the applicant is that inspite of his working in the respondents' establishment for 164 days in broken period between 1988 to 1995 his name has not been recorded in the casual live register and no work was assigned to him since then. Aggrieved by this, he filed an OA No.1195/00, which was decided on 18.12.2000. The applicant has challenged the order dated 6.8.2001 which has been passed by the respondents after the decision passed in OA No.1195/00. Learned counsel for the applicant pressing the grounds taken in para 5 A to G of the OA submitted that although the applicant has completed 164 days service as casual labour in the department during the year 1988 to 1995 but his name has not been recorded in the casual live register and thereby he has been wrongly deprived of his right for regularization as casual labour.

3. Learned counsel for the respondents contested the claim of the applicant by filing the counter affidavit. Inviting



my attention towards para 3 of the counter affidavit and submitted that the applicant has not worked as authorized substitute after 31.12.1980 as per Railway Board letter dated 18.12.1980, as such his name has not been included in the list of authorized substitute. The applicant was not on roll after 30.4.1996 so his name was not included in the aforesaid list as casual labour of the year 1997 as per Railway Board circular dated 11.12.96. The applicant earlier filed an O.A. No.1195/00 which has been dismissed vide order dated 18.12.2000. The working period of the applicant was also verified only for 17 days during the period 7.2.1994 to 26.5.1995, as stated in para 17 of the counter affidavit. No person who was not on roll on 30.4.1996 was ever called for screening. Learned counsel finally submitted that the claim of the applicant has already been declined by the court in earlier OA being grossly time barred so the present OA claiming the same relief is not maintainable and is liable to be dismissed on this ground alone.

4. I have heard the learned counsel for the parties and perused the record available before me.


5. It is an admitted fact that the applicant has earlier filed an OA No.1195/00 and the following order was passed :-

"For the above, I find that the O.A. cannot be entertained being grossly barred by period of limitation. However, it shall be open for the applicant to approach the respondents establishment to get his name included in live casual labour register and the respondents shall entertain his prayer subject to his entitlement for the same".



Therefore, this OA claiming almost the same reliefs can not be entertained and is not maintainable. I have gone through order dated 6.8.2001 (Annexure-1) to the OA. It is clearly stated in Para-1 of this letter that no application was ever received by the respondents moved through the applicant in the light of the order passed in OA No.1195/00. The applicant has not worked as authorized substitute after 31.12.1980, as such his name has not been included in the list of authorized substitute, as per Railway Board letter dated 18.12.1980. It is also stated in Para-II of the letter that on 30.4.1996, the applicant was not on roll so as per Railway Board Circular dated 11.12.1996 his name was not included in the attested list of casual labour of the year 1997. It is also evident that this letter was issued on 6.8.2001 informing the earlier orders passed on the basis of which the name of the applicant could not be kept on casual live register. It is not disputed that the applicant filed an OA No.1195/00 which was not entertained being grossly barred by period of limitation. Therefore, no second OA can be filed for the same relief or entertained as it is clearly barred by the principle of res-judicata.

6. Under the facts and circumstances and in view of the aforesaid discussion, I find no merit in this case. Accordingly, it is dismissed. No order as to costs.


MEMBER-J

RKM/