

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 25 of 2003

Allahabad this the 03rd day of February, 2004

Hon'ble Mr.A.K. Bhatnagar, Member(J)

Noor Mohammad S/o Sh.Sahajad R/o Bagchi Binda  
Bhagat, Taj Ganj, District Agra.

Applicant

By Advocate Shri Ajai Rajendra

Versus

1. Union of India through General Manager(P),  
Central Railway Mumbai CST.
2. The Divisional Railway Manager(P), Central  
Railway, D.R.M. Office, Jhansi.
3. The Divisional Engineer, Mathura Junction,  
Mathura.
4. The Permanent Way Inspector, Central Railway  
Kosi Kaln, Tundla, Firozabad.

Respondents

By Advocate Shri D.P. Singh

O R D E R ( O r a l )

This O.A. has been filed under Section  
19 of the Administrative Tribunals Act, 1985 praying  
for a direction to the respondent<sup>no.2</sup> to give appoint-  
ment to the applicant as Khalasi or <sup>on</sup> any other suitable  
post with a further direction to regularise the  
services of the applicant on Group 'D' post and  
assign him seniority and other monetary benefits  
as per law.

2. The brief facts as per the applicant are that the applicant has worked as Khalasi under the P.W.I., Kosi Kalan w.e.f. 25.05.84 to 19.10.84 continuously and he has completed 148 days of work as Khalasi. His registration no. is 2-A at serial number 19. It is also claimed that as the applicant has worked for more than 120 days and has acquired temporary status by virtue of provision of Indian Railway Establishment Manual, so he is entitled for payment of Monthly Rated Casual Labour (in short M.R.C.L.) on completion of 120 days of work as Khalasi but he has not been given the same by the respondents. In spite of repeated reminders for M.R.C.L. grade, the applicant was not granted his due and he was disengaged on 20.10.1984 without inquiry or proceedings. Hence, he has filed this O.A.

3. Learned counsel for the applicant submitted that there is no delay on the applicant's part as it is a matter of casual labour. It is further submitted that he has not filed any representation to the respondents which the applicant be filed after the direction is issued from the Court. On the other hand, learned counsel for the respondents submitted that the case of the applicant is highly barred by limitation as the cause of action arose in 1984 and now the applicant is agitating this issue in 2003 after about 19 years. Inviting my attention to para-#5 of the counter-reply, learned counsel for the respondents submitted that as per record, <sup>applicant</sup> he has only served for 89½ days from 25.05.1984 to 18.09.84 only and he has not worked for 148 days, as claimed by the applicant.



It is further submitted by the respondents counsel that the applicant has raised an Industrial dispute through Union for the same cause of action and after hearing the parties, the Govt. of India vide letter dated 06.03.2002 found that the Ministry did not consider this dispute fit for the reference as the dispute has been raised after 16 years at very belated stage and that to without any valid reason. Learned counsel finally submitted that the cause of action arose in 1984 and this O.A. has been filed in the year 2003 after a lapse of 19 years, as such, the O.A. is not maintainable and liable to be dismissed on the ground of delay itself. Learned counsel for the respondents placed before me an order of this Tribunal passed on 05.05.03 in O.A.No.539/01, and submitted that this case is fully covered by the aforementioned Judgment, and prayed for dismissal of the O.A.


4. Learned counsel for the applicant has placed reliance on a case of Billoo Singh and Ors. Vs. Union of India and Ors. reported in 2001(3) A.T.J. page 626, and submit that the casual labours who have been disengaged after 01.01.1981 have a right to have their names in the Live Casual Labour Register (LCLR) indefinitely.

5. Heard the learned counsel for the parties, considered their submissions and perused the record.

6. Admittedly the cause of action arose to the applicant in the year 1984 and the O.A. has been filed after 19 years. Thus, the O.A. is liable to be dismissed

on this ground alone. Moreover, the ruling relied upon by the counsel for the applicant does not support his case, as the facts of the present case are different to that of the relied upon case.

7. In view of the above discussions and after considering the submission of learned counsel, I find that the O.A. deserves to be dismissed on the ground of limitation. Moreover, no delay condonation application has been filed by the applicant explaining such a long delay. Accordingly, the O.A. is dismissed as grossly time barred. However, it is open for the applicant to represent the department and the department may take any action in accordance with law. No order as to costs.



Member (J)

/M.M./