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812

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH;CUTTACK.

O. A. NO: 227 OF 1992

Cuttack this the 20th day of March, 1997.

BABAJI CHARAN SAMAL

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APPLICANT

-Versus-

UNION OF INDIA & OTHERS.

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RESPONDENTS.

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? NO
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? NO

Somnath Som
(SOMNATH SOM)
VICE- CHAIRMAN 20/3/97

7

13

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 227 OF 1992.
Cuttack this the 20th day of March, 1997

CORAM:-

THE HONOURABLE MR. SOMNATH SOM, VICE- CHAIRMAN.

IN THE MATTER OF:

BABAJI CHARAN SAMAL,
S/O. DUKHAI SAMAL,
AGED ABOUT 42 YEARS,
EX. CASUAL LABOURER,
SOUTH EASTERN RAILWAY,
AT-PATUARY, PO. GADAMA,
DIST. CUTTACK.

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APPLICANT.

By the Legal Practitioner: M/s. J. Gupta, A.K. Mishra, Advocates.

-Versus-

1) Union of India represented by the
General Manager, South Eastern Railway,
S.E. Railway Head Office, Garden Reach,
Calcutta.

2) Divisional Railway Manager,
South Eastern Railway,
Khurda Road Division,
At/Po. Jatni, Dist. Puri.

Chief Personal Officer,
South Eastern Railway,
Khurda Road Division,
South Eastern Railway,
At/Po. Jatni, Dist. Puri.

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RESPONDENTS.

By the Legal Practitioner :- M/s. Bijay Pal, O.N. Ghosh, Standing
Counsel (Railways).

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Somnath Som
20/3/97

O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

Seen the petition. Heard Mr. J.P. Gupta, learned Counsel appearing on behalf of the petitioner and Mr. B. Pal, learned Senior Standing Counsel appearing on behalf of the Respondents.

2. The case of the petitioner is that he was working as Casual Labourer under the Railways of the Khurda Division from 1970 and he was engaged from time to time as Casual Labourer under the Railways till 23-11-1981 when he was asked to stop the work from 1982. He moved the Railways for getting work and again on 27-07-1985, he was given work under the Bhadrak Sub Division of the South Eastern Railway for a period of three months till 21-10-1985. This letter of engagement is at Annexure-1. Under this letter of engagement his engagement stood terminated on 22-10-1985. It is submitted by the learned lawyer for the petitioner that thereafter, he had made a series of representations to different Railway Authorities starting from 18-11-1985 till 03-08-1990 and lastly, an appeal to the higher authority on 12-11-1991 but no order, on any of the representation/appeal has been communicated to him and that is why, he has come up with this petition seeking for a direction to the Respondents to give

Somnath Som
20/3/97

him a permanent post of Labourer by re-instating the applicant in the previous post with payment of backwages. In course of submission, learned lawyer for the petitioner fairly conceded that what he is praying in the course of hearing is not regularisation but engagement of the petitioner as a Casual Labourer.

3. It is noted that the cause of action arose with effect from 22.10.1985 when the services of the petitioner was dis-engaged. Even submitting representation thereafter, he should have given only one year time to the Departmental authorities for disposal of the representation and thereafter come up before the Tribunal within a period of another six months as laid down under Section 21 of the Administrative Tribunals Act, 1985. Filing of repeated representations by him will have no effect of getting the period of limitation extended. In view of this matter, the petition is hopelessly barred by limitation. No petition for condonation the delay has been filed nor has the learned lawyer for the petitioner urged any circumstances in the course of hearing which would merit condonation of delay as the petition hopelessly barred by limitation. The Original Application, is, therefore, dismissed being barred by limitation.

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20/3/97

4. It is further submitted by the learned lawyer for the petitioner that the petitioner has worked under the Railways in a long stretches for many years and it is also admitted by the Opposite Parties in their counter-affidavit and the applicant was a Casual Labourer under the Project Division. Railways have also instructions for engaging such casual labourers working under the Project after completion of the project period in other jobs if and when such requirement arises provided the person is fit enough to take up such job.

5. In view of that, I leave it to the appropriate authorities of the Railways to consider the case of the petitioner in accordance with Rules and instructions in case the petitioner files a representation for engaging him as a casual labourer.

6. With these observations, the Original Application is disposed of as rejected.

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(SOMNATH SOM)
VICE-CHAIRMAN
20/3/97

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