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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.426 OF 2006
CUTTACK, THIS THE 3rd DAY OF OCTOBER, 2007

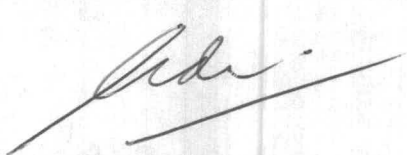
G.V.S.Prakash Rao Applicant

Vs.

Union of India & Others Respondents

FOR INSTRUCTIONS

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


(N.D.RAGHAVAN)
VICE-CHAIRMAN

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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 426 OF 2006
CUTTACK, THIS THE 30th DAY OF OCTOBER, 2007

CORAM:

HON'BLE MR. N.D.RAGHAVAN, VICE-CHAIRMAN

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Sri G.V.S. Prakash Rao, aged about 50 years, son of Late G. Ganesum, resident of D.I.C. office late, Co-operative Colony, At/P.O. Rayagada, Dist. Rayagada.

.....Applicant

Advocate(s) for the Applicant - M/s. C.A.Rao, A.K.Rath, S.K.Behera,
Sk. Fayazuddin Ahmed.

VERSUS

1. Union of India service through General Manager, E.Co.Rly, Rail Vihar, Chandrasekharpur, Bhubaneswar, Orissa.

2. General Manager, South Eastern Head Quarter at Garden Reach, Kolkata, West Bengal.

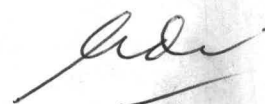
3. C.P.O. East Coast Railway, Rail Vihar, Chandrasekharpur, Bhubaneswar (Orissa).

4. Divisional Railway Manager, (P) South Eastern Railway, Waltier, At/P.O. Visakhapatnam, (A.P.).

5. Divisional Railway Manager, East Coast Railway, Head Quarter, At-Chandrasekharpur, Bhubaneswar, Dist. Khurda, Orissa.

.....Respondents.

Advocate(s) for the Respondents - M/s. S.K.Ojha, A.K.Sahoo (for R-1,3 and 4),



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ORDER
SHRI N.D.RAGHAVAN, VICE-CHAIRMAN

The genesis of this O.A.,⁴⁴ according to applicant, is that he was appointed as casual labour on 16.7.1973 in the South Eastern Railway (now East Coast Railway) till 15.9.1977 when he was retrenched from duty due to no sanction. The Ministry of Railway, in compliance of the order dated 23.2.1987 of the Hon'ble Supreme Court of India in W.P.No.332 of 1986 issued instruction on 2.3.1987(Annexure-2) for preparation of live register in respect of the retrenched casual labour of each railway. Vide Annexure-3 dated 18.7.1989, the Divisional Railway Manager, Engg. Br., Waltare invited the retrenched casual labour to appear the screening for enrolment in live register of casual labour. It is stated that the applicant personally attended the screening but he was not enrolled in the list.

2. Vide Annexure-4 dated 19.8.1997, Respondent No.4 issued a circular directing the retrenched casual labour to submit application in the prescribed proforma along with the documents in proof of earlier engagement in the box provided in Sr.D.P.O's office, Visakhapatnam for enrolment for engagement on the Koraput-Rayagada New Line in response to which the applicant vide Annexure-5 dated 19.8.1997 submitted his application complete in all respects in the box earmarked for the purpose. Since the authorities engaged the other casual labours ignoring his claim, the applicant preferred representation after representation, one of which is at Annexure-7 dated



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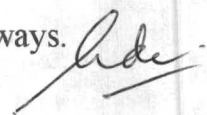
20.9.1999. While the matter stood thus, by the intervention of the Executives of the South Eastern Railway Men's Congress, the applicant was directed by the office of the Chief Personnel Officer vide letter dated 30.1.2002(Annexure-8) to produce the documents in support of his claim. The applicant in response to that although met DPO(1) of S.E.Railway for the above purpose, refused to see the documents. While his efforts became fruitless lastly, vide Annexure-11 dated 17.1.2005 the applicant sent a legal notice to the General Manager, S.E.Railway and East Coast Railway for consideration of his claim and has, accordingly, moved this Tribunal seeking the following relief:

“...respondents be directed to give the applicant re-engagement w.e.f. the date of re-engagement of his juniors retrospectively within a stipulated time”.

3. The Respondents, per contra, have filed their counter. While narrating the facts, they have stated that the applicant has never submitted any application with reference to the Railway Board's circular within the prescribed time, i.e., by 31.3.1987, which was the last date for the employees disengaged prior to 01.01.1981. Respondents have also raised the point of maintainability, besides stating that the present O.A. is barred by limitation.

4. The applicant has filed rejoinder to the counter. In the rejoinder the applicant has stated that he had sent his application in proforma to the competent authority by Registered .Post.

5. Heard Shri C.A.Rao, learned counsel for the applicant and Shri S.K.Ojha, learned Standing Counsel for the Respondent-Railways.



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6. As regards the jurisdiction of this Bench to entertain this O.A., Rule 6(2) of C.A.T.(Procedure) Rules, 1987 approves of the maintainability of this O.A. before this Bench of the Tribunal.

7. With regard to the delay in approaching this Tribunal, by filing a Misc.Application No.295/06 the applicant has prayed for condonation of delay. While explaining delay, the applicant has submitted that it is neither intentional nor negligence, but due to bona fide reason of financial stringency of the applicant as he was out of job since 1977 which prevented him from approaching the Tribunal in time. While I cannot but endorse my view with the tale of the owe of the applicant, but at the same time this by itself is not quite sufficient or convincing reasons, where the Tribunal should rise to the occasion. If not earlier, at least the applicant could have approached this Tribunal, when he did not get any response to his application for enrollment in live casual labour made to the Divisional Railway Manager (P) vide A/5, in pursuance of circular issued by the Respondent vide A/4 dated 19.8.1997. It is too late in the day to come to the aid of the applicant by condoning delay of about eight years when the cause of action arose.

8. In the result, the O.A. is dismissed being hopelessly barred by limitation. No costs.


(N.D.RAGHAVAN)
VICE-CHAIRMAN