

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH: CALCUTTA

...

OA-294/96

20-11-2001

Present: Hon'ble Mr. S. Biswas, Member(A)
Hon'ble Mr. Shanker Raju, Member(J)

...

Pairag & Ors

-VS-

S.E.RLY

...

Counsel for the Applicant : Mr. B. Ghosal / Ms. B. Ghosal
Counsel for the Respondents: ~~Mr. B. Ghosal~~
Mr. T. P. Bishra

...

ORDER

Mr. Shanker Raju, Member(J):

None for the applicant. Learned counsel of the respondents present. The OA is disposed of as per the provision of Rule 15 of the CAT (Procedure) Rules, 1987.

2. The claim of the applicant as contained in this OA is for absorption of the applicant on permanent basis or at least on casual basis and for consequential benefits.

3. The applicant has also prayed for incorporating his name in the Live Casual Register.


4. Briefly stated, the applicant had worked as casual labour with the respondents in 1971 to 1974. It is contended that having completed 240 days of continuous service, he has not been granted regularisation and his services has been

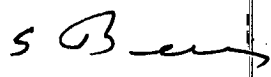
dispensed with without following the proper law. It is in this context stated that as the juniors of the applicant have been retained by the respondents and were regularised and their names have been brought in the Live Casual Register and despite preparing the seniority list, the respondents have not incorporated the name of the applicant for engagement and further regularisation. Their action is arbitrary and is violative of principles of Art.14 and 16 of the Constitution of India.

5. On the other hand it is argued rebutting the contention of the applicant that the applicant despite having been accorded two opportunities in 1981 and thereafter in 1987, has not made any representation for inclusion of his name in the LCR for further engagement and regularisation. His attempt to claim benefit after 22 years of his discharge would be hopelessly barred by limitation. It is further stated that during ~~durin~~ his entry as gangman there had been at least five times screening of construction/open line casual labours were made and the applicant has never come forward to apply for the same and as there was no response from the applicant the applicant's service was dispensed with which would not amount to retrenchment.

6. We have carefully considered the rival contentions of the parties and perused the material on record. In view of the decision of the Full Bench in Mahadev^{he} Vs. UOI 2000 (3) ATJ page.1 wherein it is held that law of limitation as provided under Section 21 of the AT Act, 1985 also applies to the casual labours, the claim of the applicant for entering his name in the Live Casual Register and further request of regularisation after his services has been dispensed with in 1974 is not within the stipulated period of limitation and hence is hopelessly barred by limitation. The decision of the Apex Court in State of MP Vs. S.S. Rathore AIR 1990 SC Page 13 would also have application in the instant case. Apart from limitation, it is seen that the applicant himself has not responded to the notification of the respondents calling application for from casual labour employed in the past for incorporating their names in Live Casual Register.

7. In this view of the matter the OA lacks merits and is dismissed. No costs.


(SHANKER RAJU)
Member(J)


(S. BISWAS)
Member(A)

20.11.2001.

MB.