(प्रक्रिया) प्रशासनिक अधिकरण के नियम 22 के अंतर्गत निःशुल्क दी

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH : JODHPUR

I/9

Date of order : 16.03.2001

1. O.A. No. 332/98

Bisna Ram son of Shri Jetha Ram, aged about 37 years, resident of Village and post. Kawas, Distt Barmer, last employed as casual Labour, in the office of Station Superintendent Barmer, Northern Railway.

APPLICANT.

VERSUS

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Jodhpur Division, Jodhpur.

RESPONDENTS.

Mr. J.K. Kaushik, Counsel for the applicant.

Mr. Salil Trivedi/S.S. Vyas, Counsel for the respondents.

2. O.A. No.333/98

Ramesh Solanki son of Shri Chhotey Lal, aged about 37 years, resident of Malion Ka Mohulla, Badlio Ka Bera, Merta Road Distt Nagaur, last employed as casual labour, in the office of PW-1 Pipar Road, Northern Railway.

APPLICANT.

VERSUS

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Jodhpur Division, Jodhpur.

RESPONDENTS.

Mr. J.K. Kaushik, Counsel for the applicant.

Mr. Salil Tribedi/S.S. Vyas, Counsel for the respondents.

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3. O.A. No.335/98

Malam Singh Rathore S/o Shri Sheshkaran Singh, aged about 40 years, R/o Village Merta Road, Tehsil Merta City, District Nagour, A Non-working Casual Labour having put in 200 days as casual labour with Chief Inspector of works (I.O.W. office) Merta Road, Northern Railway.

APPLICANT.

VERSUS

1. Union of India, through General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Jodhpur.
3. Assistant Personal Officer, Northern Railway, Jodhpur.
4. Chief Inspector of Works Merta Road, Northern Railway, District Jodhpur.
5. Deepa Ram S/o Lalu Ram, as casual labour (whose name finds place at serial No.54 of the order Ann.A/2) C/o Assistant Personal Officer, Jodhpur Division, Northern Railway, Jodhpur.

RESPONDENTS.

Mr. R.K. Soni brief holder for
Mr. I.R. Choudhary, Counsel for the applicant.
Mr. Salil Trivedi, Counsel for the respondents No.1 to 4.
None present for Respondent No.5.

4. O.A. No.19/99
with
M.A. No.14/99

Bhom Singh S/o Shri Devi Singh, by caste Rajput, aged about 48 years, resident of Village Loroli, District Nagour, worked as casual labour under the

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Loco Foreman, Northern Railway, Merta Road.

APPLICANT.

VERSUS

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Jodhpur.
3. The Loco Foreman, Northern Railway, Merta Road, Jodhpur Division through the DRM, Jodhpur.

RESPONDENTS.

Mr. Devendra Singh, Adv., brief holder for
Mr. P.R. Singh, Counsel for the applicant.
Mr. S.S. Vyas/Salil Trivedi, Counsel for the respondents.

5. O.A. No.43/99

1. Rooparam S/o Shri Salooram by caste Jat resident of Village Pinia post Mandia Kalla Tehsil Osian District Jodhpur Ex-Gangman PW-1 Marwar Mathania N.Rly, Jodhpur.
2. Jagdish S/o Shri Ram Narayan resident of village Amavata dist. Itawa (U.P.) Ex-Gangman P.W.1 Merta Road N.Rly, Jodhpur.
3. Nannaram S/o Shri Mangharam by caste Meghwal resident of village Osian Jhatpura dist. Jodhpur Ex-Gangman PW-1 Mathania N.Rly, Jodhpur.
4. Shrmatharam S/o Shri Motaram by caste Choudhary resident of village Bhalasiriya post Mandaya Tehsil Osian dist. Jodhpur Ex-Gangman PW-1, N.Rly Phalodi Jodhpur.

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5. Purkharam S/o Shri Moolaram resident of Osian dist. Jodhpur Ex-Gangman PW-1, N.Rly, Raikabagh, Jodhpur.

6. Aduram S/o Shri Kistooraram by caste Choundhary resident of village Bhalasiriya Tehsil Osian District Jodhpur Ex-Gangman PW-1 N.Rly, Mathaniya Jodhpur.

7. Malaram S/o Shri Natharam by caste Jat resident of village Nayora tehsil Osian dist, Jodhpur Ex-Gangman PW-1 N.Rly, Mathania dist. Jodhpur.

8. Bhanwardas S/o Shri Achaldas resident of village Rampura post Rohit dist. Pali Ex-Gangman PW-1 N.Rly Mathniya.

9. Babulal S/o Bhiyaram R/o Raikabagh Jodhpur Ex-Gangman PW-1 N.Rly, Mathaniya.

10. Purkharam S/o Shri Bhagtaram by caste Jat resident of village Nayura Tehsil Osian dist, Jodhpur Ex-Gangman PW-1 N.Rly Mathaniya, Jodhpur.

11. Likhmaram S/o Shri Bheraram by caste Jat resident of village Osian Tehsil osian dist. Jodhpur Ex-Gangman PW-1 N.Rly, Mathaniya dist. Jodhpur.

12. Poonaram S/o Shri Udharam by caste Jat resident of village Navora road tehsil Osian dist. Jodhpur Ex-Gangman, PW-1 N.Rly, Mathaniya.

13. Nathuram S/o Shri Dholaram by caste Jat resident of village Navora road tehsil Osian dist. Jodhpur Ex-Gangman PW-1 N.Rly, Mathaniya.

14. Motiram S/o Shri Girdhariram by caste Jat resident of village Navora Road Tehsil Osian dist. Jodhpur Ex-Gangman PW-1 N.Rly, Mathaniya.

15. Rammarayan S/o Shri Chatharam by caste Jat resident of village Khersalava tehsil Bhopalgarh District Jodhpur Ex-Gangman PW-1 N.Rly, Pipar Road.

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16. Bhiksingh S/o Shri Sultansingh by caste Rajput R/o village Osian dist. Jodhpur Ex-Gangman PW-1 Phalodi N.Rly, Jodhpur.

17. Gangaram S/o Shri Udaram resident of village Sirimani tehsil Osian dist. Jodhpur Ex-Gangman PW -1 N.Rly, Phalodi.

18. Shimaratharam S/o Shri Harkharam resident of village 8 miles Chungichowki Nagor Road, Mandore, Jodhpur Ex-Gangman PW-1 N.Rly, Jodhpur.

19. Narayayanaram S/o Shri Devaram resident of village Bhalasirya tehsil Osian dist. Jodhpur Ex-Gangman PW-1 N.Rly, Jodhpur.

20. Dhanaram S/o Shri Kishtooraram resident of village Bhalasiriya tehsil Osian dist. Jodhpur Ex-Gangman PW-1 N.Rly Jodhpur.

21. Soonaram S/o Shri Poosaram resident of village Bhalasiriya tehsil Osian dist. Jodhpur Ex-Gangman PW-1 N.Rly, Jodhpur.

22. Chunaram S/o Shri Heeraram resident of village Navara Road Tehsil Osian dist, Jodhpur Ex-Gangman PW-1 N.Rly, Mathania.

23. Girdhariram S/o Kistnaram resident of Riniya Post Mandi Kala via Tiwari tehsil Osian dist. Jodhpur Ex-Gangman PW-1 N.Rly, Mathaniya.

24. Sabalsingh S/o Shri Sultansingh resident of village Osiya Dist. Jodhpur Ex-Gangman PW-1 N.Rly Mathania

25. Poonaram S/o Shri Harkaram by caste Jat resident of village Bhalasiriya tehsil Osian dist. Jodhpur Ex-Gangman PW-1, N.Rly, Phalodi.

26. Haruram S/o Megharam resident of village Sirmani tehsil Osian dist. Jodhpur Ex-Gangman PW-1 N.Rly, Phalodi.

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27. Ihliyas ahmad S/o Shri Riyaz Ahmad resident of Makrana Mohlla, Jodhpur Ex-Gangman PW-1 N.Rly, Mandor, Jodhpur.

28. Ramuram S/o Shri Umaram resident of village Osian dist. Jodhpur Ex-Gangman PW-1, N.Rly, Mathaniya.

29. Trilokharam S/o Shri Sajanram resident of Bhalosiriya tehsil Osian dist. Jodhpur Ex-Gangman PW-1, N.Rly, Phalodi.

30. Chainsingh S/o Shri Dilipsingh resident of village Bhavad tehsil Osian dist. Jodhpur Ex-Gangman PW-1 Mathaniya.

31. Gangaram S/o Harkharam Jat R/o Bhalasariya Tehsil Osian dist. Jodhpur Ex-Gangman PW-1 N.Rly Mathniya.

32. Notaram S/o Shri Caturaram resident of Basni Second Phase Jodhpur, Ex-Gangman PW-1 Bhagatkikothi Jodhpur.

33. Sugnaram S/o Lalaram R/o Pipar road Ex-Gangman PW-1 N.Rly, Pipar road.

APPLICANTS.

VERSUS

1. Union of India through the General Manager N.Rly, Baroda House, New Delhi.

2. The Divisional Railway Manager (DRM Northern Railway) Jodhpur.

3. The Divisional Personnal Officer (DPO) Northern Railway, Jodhpur.

4. The Assistant Engineer, Northern Railway, Jaisalmer.

5. The Assistant Engineer, Northern Railway, Jodhpur.

RESPONDENTS.

6. Mr. B.D. Sharma, Counsel for the applicant.
Mr. S.S. Vyas/Salil Trivedi, Counsel for the respondents.

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6. O.A. No.71/99

Dhanna Ram S/o Shri Shanker Lalji, Aged about 43 years R/o house No.218, Kumharon Ka Bas, Bhagat Ki Kothi Jodhpur (Rajasthan).

APPLICANT.

VERSUS

1. Union of India through the General Manager Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager Northern Railway, Jodhpur.
3. The Divisional Personnel Officer Northern Railway, Jodhpur.

RESPONDENTS.

Mr. S.K. Malik, Counsel for the applicant.

Mr. S.S. Vyas/Salil Trivedi, Counsel for the respondents.

7. O.A. No.139/99

Abdul Salim son of Shri Tanna Bux Ji, aged about 45 years, resident of Inside Sayanchi Gate, Muslim Chock, Jodhpur, last employed on the post of casual labour in the office of S M Ramdevara (Raj.), Northern Railway.

APPLICANT.

VERSUS

1. Union of India through General Manager Northern Railway Baroda House, New Delhi.
2. Divisional Railway Manager Northern Railway Jodhpur Division, Jodhpur.
3. Assistant Personnel Officer, Northern Railway, Jodhpur Division, Jodhpur.

RESPONDENTS.

Mr. J.K. Kaushik, Counsel for the applicant.

Mr. S.S. Vyas/Salil Trivedi, Counsel for the respondents.

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8. O.A. No.140/99

Abdul Rafiq son of Shri Abdul Sakoor Ji, aged about 34 years, resident of Subhash Nagar Near 100 Gate, Merta Road, Distt Nagaur, last employed on the post of casual C & W Khallasi in the office of C & W Supdt. Jodhpur, Northern Railway.

APPLICANT.

VERSUS

1. Union of India through General Manager Northern Railway Baroda House, New Delhi.
2. Divisional Railway Manager Northern Railway Jodhpur Division, Jodhpur.
3. Assistant Personnel Officer, Northern Railway, Jodhpur Division, Jodhpur.

RESPONDENTS.

Mr. J.K. Kaushik, Counsel for the applicant.
Mr. S.S. Vyas/Salil Trivedi, Counsel for the respondents.

O.A. No.262/99

Mohd. Salim son of Shri Noor Mohd. Aged about 42 years, resident of Purani Chakki, No.3 Near Kuwa Merta Road Distt Nagaur, last employed on the post of Khallasi Loco Substitute under Loco Foreman Loco Shed, Merta Road Northern Railway.

APPLICANT.

VERSUS

1. Union of India through General Manager Northern Railway Baroda House, New Delhi.
2. Division Railway Manager Northern Railway Jodhpur Division, Jodhpur.

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3. Assistant Personnel Officer, Northern Railway, Jodhpur Division, Jodhpur.

RESPONDENTS.

Mr. J.K. Kaushik, Counsel for the applicant.

Mr. S.S. Vyas/Salil Trivedi, Counsel for the respondents.

10. O.A. No.34/2000

Iliyas Ahmed son of Shri Riyaz Ahmed about 38 years, resident of Mohalla Layekan, Jodhpur, last employed on the post of Casual Waterman in the office of Station Master Mandor, Jodhpur, Northern Railway.

APPLICANT.

VERSUS

1. Union of India through General Manager Northern Railway Baroda House, New Delhi.
2. Divisional Railway Manager Northern Railway Jodhpur Division, Jodhpur.
3. Assistant Personnel Officer, Northern Railway, Jodhpur Division, Jodhpur.

RESPONDENTS

Mr. J.K. Kaushik, Counsel for the applicant.

Mr. S.S. Vyas/Salil Trivedi, Counsel for the respondents.

11. O.A. No.175/2000

Shri Rajendra Kumar S/o Nanak Ram aged at about 35 years, resident of Ward No.25, House No.131, near State Bank of India, Surat Garh. Last employed on the post of casual labour under the inspector of works (Construction), Northern Railway, Anop Garh, Rajasthan.

APPLICANT.

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VERSUS

1. Union of India, through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Bikaner Division, Bikaner.
3. Permanent way, Inspector (Construction) Northern Railway, jaitsar,, Bikaner Division.
4. Inspector of Works (Construction), Northern Railway, Anop Garh, Bikaner Division.

RESPONDENTS.

Mr. J.K. Kaushik,Adv,. brief holder for
Mr. J.K. Mishra, Counsel for the applicant.
Mr. Kamal Dave, Counsel for the respondents.

12. O.A. No.177/2000

Shri Babu Lal S/o Nanak Chand aged at about 38 years, resident of near State Bank of India, Surat Garh, Last employed on the post of casual labour under the inspector of works (Construction) Northern Railway Anop Garh, Rajasthan.

APPLICANT.

VERSUS

1. Union of India, through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway Bikaner Division, Bikaner.
3. Permanent way Inspector (Construction) Northern Railway, Jaitsar, Bikaner Division.
4. Inspector of works (Construction) Northern Railway, Anop Garh, Bikaner Division.

RESPONDENTS.

Mr. J.K. Mishra, Counsel for the applicant.

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CORAM

Hon'ble Mr. Justice B. S. Raikote, Vice Chairman.
Hon'ble Mr. Gopal Singh, Administrative Member.

: order :

(per Hon'ble Mr. Justice B. S. Raikote)

In all these applications, common questions of law and facts are involved, and hence we are disposing of them by this common judgement.

2. The applicants in all these cases were engaged as casual labourers in the year 1973 to 1980 or in the year 1985 to 1987. The grievance of the applicants is that their names should be taken on live casual labour registers for the purpose of their future engagements and also for regularisation. It is stated by them that they were engaged as casual workers on emergent basis in a project work and their services were discharged on completion of the projects. They stated that to give an opportunity to such employees, who have been discharged either before 01.01.1981 or after 01.01.1981, the government has issued a Scheme vide Annexure R-1 dated 12.03.1987. But the applicants were not aware of it and only in the year 1998 and 1999, the applicants came to know that some other persons are being screened without calling the applicants for screening. Therefore, the applicants made representations for calling them for screening test for inclusion in the panel, but the respondents have not considered their representations. Hence, the applicants have filed the present applications.

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3. The respondents by filing reply, have denied the case of the applicants. They have contended that no doubt, the applicants worked for some time as casual labourers either before 01.01.1981 or after 01.01.1981. But in pursuance of notification issued by the Railway Board vide Annexure R-1 dated 04.03.1987, they have not made representations alongwith documentary proof in terms of circular dated 02.03.1987, reaching the concerned Divisional Office on or before 31.03.1987. They have also contended that vide Annexure R-1, it has been made specifically clear that those representations reaching after 31.03.1987 or which are incomplete, would not be considered. The applicants made representations for the first time only in the year 1998 and 1999 at a very belated stage, and therefore, their cases could not be considered. The respondents further contended that the applicants had all opportunity to file one representation in response to Annexure R-1 dated 04.03.1987 within 31.03.1987, and after 31.03.1987, nearly 12 to 14 years had already elapsed before their filing the present O.As in 1998, 1999 and 2000. Thus, these applications are hopelessly barred by time. By relying upon Full Bench judgement of the Principal Bench dated 10th of May 2000 in O.A. No. 706/1996 and the batch, they contended that the cause of action for the applicants, cannot be considered as recurring cause of action. Accordingly, the applications are liable to be dismissed as barred by time. They also relied upon the judgement of Hon'ble the Supreme Court vide Annexure R-3 passed in Writ Petition (civil) No. 223 of 1993 dated 13.05.1993, contending that a similar batch of

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cases of casual labourers pleading for keeping their names on live casual labour register on the basis of Annexure R-1, have been dismissed by Hon'ble the Supreme Court as barred by time. In these circumstances, even the present applications are liable to be dismissed on the ground of delay and latches, more so, when they have not made any representation before 31.03.1987, in terms of Annexure R-1. They further contended that the applicants themselves had abandoned the casual employment and these are not the cases of oral discharge, as pleaded by them.

4. Heard the learned counsel for the parties.

5. The fact that at some point of time, the applicants were engaged on casual basis in some projects, which were completed or were nearing completion is not disputed. But it is the case of the applicants that they were discharged by an oral order illegally. On the other hand, the case of the respondents is that the applicants themselves had abandoned their services by making them scarce. But in our opinion, it is not possible for us to decide whether the applicants themselves abandoned the casual employment or they were orally discharged by the department. But the fact remains that they were on casual employment for some time and their services were discontinued or not taken after some time. The actual dates vary from persons to persons as to when actually he was taken on duty for casual employment and when the particular person was discontinued from such casual employment. We think it appropriate to note the facts of each case with the help of the chart as under, taking the dates of their discharge with reference to the contents in Annexure R-1.

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O.A. No.	Applicant's Name	Discharged prior to 1/1/1981(with actual date of discharge)	Discharged after 1/1/1981 (with actual date of discharge
332/98	Bisna Ram	---------	15/5/85
333/98	Ramesh Solanki	--------	31/3/86
335/98	Malam Singh	--------	06/10/85
19/99	Bhom Singh	16/10/73	--------
43/99	Rooparam & 32 others	19/10/77	--------
71/99	Dhanna Ram	19/11/74	--------
139/99	Abdul Salim	01/08/77	--------
140/99	Abdul Rafiq	-------	10/12/87
262/99	Mohd. Salim	31/05/80	-------
34/2000	Iliyas Ahmed	31/10/79	-------
175/2000	Rajendra Kumar	-------	2/10/85
177/2000	Babu Lal	-------	2/10/85

6. From the above chart furnished by the official respondents, it is clear that the applicants in O.A. Nos. 19/99, 43/99,71/99, 139/99, 262/99 and 34/2000 were the persons discharged in between the years 1973 and 1980, on different dates. The applicants in O. A. Numbers 332/98, 333/98, 335/98, 140/99, 175/2000 and 177/2000 were the persons discharged during the years 1985 to 1987. Vide Annexure R-1, the casual employees, who were employed in projects and were discharged before 01.01.1981 for want of work, were entitled to claim benefit of the Scheme contained in the Ministry's letter dated 11.09.1986. Annexure R-1 further states that in order to give an opportunity even to the open line casual labour, who were discharged before 01.01.1981 for want of work or due to completion of work, their names could be included in the live casual labour register. For this purpose, the instructions contained in the Ministry's letter

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dated 02.03.1987 would apply even to such open line casual labours. It is stated in these cases that the applicants belong to open line casual labour. For such casual labour the Railway Board's letter vide Annexure R-1, provided an opportunity to the applicants for keeping their names included in the live casual labour registers by filing representations before 31.03.1987. Vide Annexure R-2 circular, it is stated that all persons retrenched after 01.01.1981 are to be borne in the live casual labour register till they are absorbed. It was also further made clear vide Annexure R-2 that in case of fresh intake of casual labour in any department was to be done, it should be done with the specific approval of the General Manager. It also provides that such live casual labour registers are required to be maintained for the purpose of seniority. Even for those persons retrenched after 01.01.1981, an opportunity was also given to them to file representations on or before 31.03.1987 alongwith necessary documentary proof and after 31.03.1987, the live casual labour registers were required to be closed. Such casual labour should be brought on computer and their strength be frozen. Therefore, from reading of Annexure R-1 and Annexure R-2, it is clear that the applicants being open line casual labourers, were required to make representations for inclusion of their names in the live casual labour register, and such representation was required to reach on 31.03.1987. None of the applicants pleaded that they have made any such representation before 31.03.1987 in terms of Annexure R-1. If that is so, on this ground alone we can hold

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that their rights, if any, stood extinguished from 31.03.1987. If the applicants were really interested, they should have made representations on or before 31.03.1987. In these circumstances their rights, if any, flowing from the Scheme of casual employment, they lost after 31.03.1987. In the applications, they have stated that after coming to know that other casual employees were being screened and considered for regularisation, the applicants have filed representations and the present O.As in the year 1998,1999 and 2000. It is not in dispute that whatever the rights the applicants had for inclusion of their names in the live casual labour register, it is only on the basis of Annexure R-1 circular of the Railway Board, and such an opportunity for getting their names included, unfortunately, the applicants themselves had not availed of by filing one representation before 31.03.1987. If that is so, it is not possible for this Tribunal to entertain their applications for placing their names in the live casual labour register, nearly after 12 to 14 years. Thus, we do not find any merits in the claim of the applicants. If the applicants were to file the representations alongwith the necessary documentary proof, the department would have processed their cases on its own merits having regard to the number of days they worked and the nature of the engagement and their subsequent discharge etc., with reference to the casual labour cards issued to such persons. Such an exercise is not possible to be undertaken at this juncture of time. In all probability, the concerned records might have been destroyed by the department after 3 to 4 years of the limitation under the relevant record destruction Rules.

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7. Moreover, in O.A. No. 706/1996 and the batch, the Full Bench of the Central Administrative Tribunal, Principal Bench, New Delhi, vide its judgement and order dated 10.05.2000 (Mahabir Vs. Union of India and others) has held that the cause of action based on Annexure R-1 for getting their names included in the live casual labour register is not a recurring cause of action so as to save the limitation. As we have stated above, the applicants had cause of action for including their names on the basis of Annexure R-1 as on 31.03.1987. The cause accrued on 31.03.1987 automatically stands barred by limitation after lapse of one year under Section 21 of the Administrative Tribunals Act, 1985. Viewed from this angle, in our considered opinion, these applications are also liable to be dismissed on the ground of limitation.

8. The learned counsel for the official respondents has brought to our notice the judgement of Hon'ble the Supreme Court dated 13.05.1993 in Writ Petition (civil) No. 223 of 1993 (Sanat Pakhira and others Versus Union of India & ors). From going through the said judgement, we find that in the similar circumstances, considering the effect of Annexure R- 1 circular issued by the Railway Board, Hon'ble the Supreme Court held that such a cause based on Annexure R-1 was barred by time. In the instant cases also, we have seen that the representations filed by the applicants are similar to the one filed by the applicants in the case decided by Hon'ble the Supreme Court. We think it appropriate to extract

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the relevant para of the judgement as under :-

> " Two questions arise, one if the petitioners are entitled as a matter of law for re-employment and other if they have lost their right, if any, due to delay. Right of casual labourer employed in projects, to be re-employed in Railways has been recognised both by the Railways and this Court. But unfortunately the petitioners did not take any step to enforce their claim before the Railways except sending a vague representation nor did they even care to produce any material to satisfy this Court that they were covered in the Scheme framed by the Railways. It was urged by the learned counsel for petitioners that they may be permitted to produce their identity cards etc., before opposite parties who may accept or reject the same after verifications. We are afraid it would be too dangerous to permit this exercise. A writ is issued by this Court in favour of person who has some right. And not for sake of proving enquiry leaving scope for manevouring. Delay itself deprives a person of his remedy available in law. In absence of any fresh cause of action or any legalisation a person who has just his remedy by lapse of time before his right as well. From the date of retrenchment if it is assumed to be correct a period of more than 15 years has expired and in case we accept the prayer of petitioner we would be depriving a best of others who in the meantime have become eligible and are entitled to claim to be employed. We would have been persuaded to take a sympathetic view but in absence of any positive material to establish that these petitioners were in fact appointed and working as alleged by them it would not be proper exercise of discretion to direct opposite parties to varify the correctness of the statement made by the petitioners that they were employed between 1964 to 1969 and retrenched between 1975 to 1979.
>
> The writ petitions accordingly fail and are dismissed. But there shall be no orders as to costs ".

9. From the reading of the above judgement, it is clear that the ratio of the judgemant of Hon'ble the Supreme Court laid down in the said writ petition (civil) No. 223 of 1993 applies to the facts of these cases. By following the said judgement of Hon'ble the Supreme Court also, we have to dismiss these applications on

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the ground of delay and latches.

10. The applicant in O.A. No. 19/99, filed a Misc. Application No. 14/99 for condonation of delay, stating that the applicant was not aware of the fact, that the respondent authorities had published a notification in daily newspapers for making representation on or before 31.03.1987. They came to know only in the year 1998 that some persons who were on casual basis earlier, were being re-engaged and it is at that point of time, O.A. No. 19/99 was filed. Even this averment in M.A. No. 14/99, is very vague and does not make out any sufficient cause for condonation of delay. Hence this M.A. is liable to be rejected. We also notice that in all other O.As, no application for condonation of delay is filed and all such O.As are also liable to be dismissed as barred by time.

11. For the above reasons, we pass the order as under :-

" All the Original Applications Nos. 332/98, 333/98, 335/98, 19/99, 43/99, 71/99, 139/99, 140/99, 262/99, 34/2000, 175/2000 and 177/2000 along with the M.A. No. 14/99 in O.A. No. 19/99, are hereby dismissed. But in the circumstances, without costs".

Sd/

(Gopal Singh)
Admn. Member

Sd/

(Justice B. S. Raikote)
Vice Chairman

प्रमाणित सही प्रतिलिपि
27/3/2001
अनुभाग अधिकारी (न्यायिक)
केन्द्रीय प्रशासनिक अधिकरण
जोधपुर

R Copy
28/3/01

R Copy
29.3.01

R/Copy
29/3/01

Part II and III destroyed
in my presence on 28.3.07
under the supervision of
section officer ( ) as per
order dated 19/12/07

Section Officer (Record)