

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 1253 of 1997

Date of order : 7.2.06

Present: Hon'ble Mr. Justice B. Panigrahi, Chairman
Hon'ble Dr. A. R. Basu, Administrative Member

BIJAY KR. AGLAWE

VS

UNION OF INDIA & ORS.

For the applicant : Mr. P. K. Arora, counsel
Mr. N. D. Bandyopadhyay, counsel

For the respondents : Mr. K. C. Saha, counsel

O R D E R

Justice B. Panigrahi, Chairman

Heard both the ld. counsel.

2. The applicant in this case has prayed for a direction against the respondents to give appointment as a casual labour under Adra Division permanently.

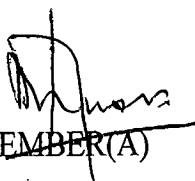
3. It has been stated in the application that he was engaged as a Gangman under PWI of Joychandipahar, P.O. Adra. He claimed to have performed his duties faithfully and to the satisfaction of his superior officer and he worked for 160 days without any interruption from May 1974 to December 1974. All on a sudden he fell ill from 6.1.75 till 18.1.79 and was under treatment of a doctor of a reputed Nursing Home namely 'Seva Sadan'. After he was cured from the aforesaid ailment he made a representation to the authorities in 1980 but when such representation was not duly considered he has filed this case for the above direction. It is further stated that there was screening tests in the year 1988 and 1996. Since the applicant's case was not considered at the time of screening tests he has approached this Tribunal.

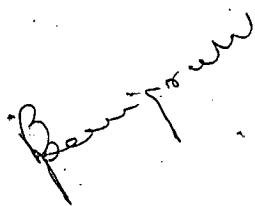
4. The respondents on the other hand submitted that the case is hopelessly barred by limitation in as much as it is filed after a lapse of 23 years. He also stated that the applicant could not satisfactorily explain as to what prevented him from approaching the respondents from 1980 to 1995. Therefore the application is liable to be rejected in limini

on account of such delayed prayer for engagement as casual labour. It is further stated in the reply that even assuming he was engaged for a short period in 1973-74, he was not engaged by the DRM, Adra Division. He must have been engaged by the Engineering Department on a temporary measure. That would not provide him a right to claim for further engagement as a casual labour.

5. Upon hearing the ld.counsel for both the parties and on perusal of the grounds stated in the application, it appears that the applicant has claimed to have suffered from certain disease between 6.1.75 till 18.10.79. In support of this he has enclosed a medical certificate vide Annexure A/2. We are at a loss to understand why he did not renew his prayer from 1975 to 1979. Even thereafter he kept quite only by submitting a representation in the matter. When the screening test was conducted on 5.5.88 and his name was not mentioned therein, why did not he immediately send a representation to consider his case favourably and chose to file application after a lapse of 23 years. As the delay is so inexplicable and inordinate, we therefore do not intend to go into the merits of the case because once engaged for a period of 6 months he cannot claim for regularization and have a right to appear in the screening test. It be noted that the applicant has attained 52 years of age. At this stage the respondents cannot be directed to engage the applicant as a casual labour.

6. The application is therefore dismissed. No order as to costs.


MEMBER(A)


CHAIRMAN

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