

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 521 of 2008

Monday, this the 17th day of May, 2010

CORAM:

**HON'BLE Mr. JUSTICE K.THANKAPPAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

C.N. Mohandas,
S/o. Sankara Narayanan,
Cheranelloor House,
Nagampadam, Kottayam,
Ex-Casual Labourer,
Southern Railway, Trivandrum Division,

... **Applicant.**

(By Advocate Mr. Siby J. Monippally)

versus

1. Union of India represented by
General Manager, Southern Railway,
Chennai.
2. The Divisional Railway Manager,
Southern Railway,
Trivandrum Division, Trivandrum.
3. The Senior Divisional Personnel Manager,
Southern Railway,
Trivandrum Division, Trivandrum.

... **Respondents.**

(By Advocate Mr. P. Haridas)

The Original Application having been heard on 05.04.2010, this Tribunal
on 17-05-10 delivered the following :

ORDER

HON'BLE MR. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

By filing this O.A., the applicant seeks a direction to the respondents to absorb
him in Group 'D' category of the Indian Railways with effect from the date on which



his juniors were absorbed with all consequential benefits and also a direction to the respondents to pass appropriate orders on his representation dated 25.03.2007 in this regard.

2. The applicant was engaged as casual labourer in the Trivandrum Division of Southern Railway during 1975-76, 1977-78. The case of the applicant is that he satisfied the mandatory requirement for absorption as Group-D in the Indian Railways. His juniors are absorbed as Group 'D' employees. The representation submitted by him on 25.03.2007 should be considered with sympathy as he is an illiterate and poor person. He states that his case is covered by the decision of the Apex Court in *Inderpal Yadav's case*.

3. The respondents opposed the O.A. They have submitted that the instant O.A. is covered by the decisions in OA Nos. 211/1996, 1275/1996, 89/1997, 568/2000 and 598/2003 wherein this Tribunal has rejected the prayer of the applicants similarly placed as the present applicant. The decisions in those OAs are in tune with the decision of the Apex court in *DREU vs. General Manager, Southern Railway and Others*, AIR 1987 SC 1153. According to the said decision, the casual labourers retrenched prior to 01.01.1981 would be entitled to include their names for reengagement only if they register their names before 31.03.1987. The applicant was retrenched prior to 01.01.1981. He had not registered his name prior to 31.03.1987. For the first time he put forth his claim in the year 2007 as per Annexure A-4 representation dated 25.03.2007. The applicant does not have a legitimate grievance and the cause of action is barred by limitation. The applicant has not specified as to the category in which absorption is prayed for in the Department/Division/Railway/~~on~~ the whole of Indian Railways it is prayed for. He has not mentioned the names of his alleged juniors absorbed in the Railway nor has impleaded the authority as party under



whom he has alleged to have been engaged. The judgement in Inderpal Yadav's case is in respect of casual labourers retrenched after 01.01.1981 and, therefore, is irrelevant to the applicant's case. In respect of casual labourers retrenched before 01.01.1981, the Apex Court passed the judgement in *DREU vs. General Manager, Southern Railway and Others*, AIR 1987 SC 1153. As per the judgement therein, the casual labourers are to submit applications to include their names to be considered for reengagement before 31.03.1987. The applicant has not submitted the application before 31.03.1987. The applicant has not annexed any proof in regard to his averment that he has submitted a representation for inclusion of his name in the live register of the retrenched casual labourers before the cut off date. Hence the OA should be dismissed with costs.

4. We have perused the documents and heard the learned counsel for the applicant and for the respondents..

5. The applicant has not submitted any proof to the effect that he had applied for inclusion of his name in the live register of retrenched casual labourers before 31.03.1987 other than the mere statement in his application dated 25.03.2007 and an averment in the O.A. The Apex Court in *DREU vs. General Manager, Southern Railway and Others*, AIR 1987 SC 1153, has held that the casual labourers retrenched prior to 01.01.1981 would be entitled to be included their names for reengagement only if they register their names before 31.03.1987. The applicant obviously retrenched prior to 01.01.1981 has not registered his name for reengagement before 31.03.1987. The applicant, therefore, does not have a legitimate grievance. The O.A. is hopelessly belated. The cause of action, if any, is almost three decades old. The bar of limitation cannot be crossed by merely stating in his letter of 25.03.2007 that he had made representation in time. Being time barred, the

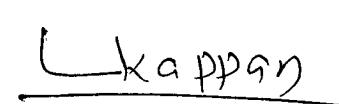


O.A. is dismissed under Section 19(3) of the Administrative Tribunals Act, 1985.

5. No order as to costs.

(Dated, the 17th May, 2010)


K. GEORGE JOSEPH
ADMINISTRATIVE MEMBER


JUSTICE K THANKAPPAN
JUDICIAL MEMBER

CVR.