

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.71/2001

Thursday this the 14th day of June 2001.

CORAM:

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

U.V.Ramachandran,
Watchman,
Section Engineers Office,
Southern Railway, Palghat Division,
Calicut.

Applicant

(By Advocate Shri Siby J.Monippally)

Vs.

1. Union of India represented by
Chief Personnel Officer,
Southern Railway,
Chennai
2. Divisional Railway Manager,
Southern Railway,
Palghat Division,
Palghat.
3. Senior Divisional Personnel
Officer, Southern Railway,
Palghat Division,
Palghat.

Respondents

(By Advocate Shri James Kurian)

The application having been heard on 14th June 2001
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN



The applicant who commenced service as Casual Labour in
the year 1968 was appointed on temporary status with effect
from 21.9.1971. His services were terminated on 21.12.1971.
He challenged the order of termination of his services in the
Hon'ble High court of Kerala by filing O.P.5060/76 and the
Hon'ble High Court by order dated 5.4.1978 set aside the order

of termination as illegal and directed his reinstatement. Pursuant to the order of the Hon'ble High Court, the applicant was reinstated by order dated 30.10.78. Thereafter, the applicant filed Claim Petition No.11/1998 before the Hon'ble Labour Court and pursuant to the order of the Labour Court, he was paid backwages for the entire period. Consequent on reinstatement his pay was refixed and he got increments also w.e.f.21.9.1971. Thereafter, he was screened and absorbed as per order dated 20.2.1984 and later appointed as Chowkidar on 29.4.85.

2. The applicant after he got the pay refixed, by order dated 15.1.1990 (A1), made a representation dated 15.10.99 seeking regularisation with effect from 22.9.1975 on the ground that persons who were junior to him have been regularised with effect from that date. As the representation did not evince any response, the applicant has filed this application for a declaration that he is entitled to get regularisation as Gangman with effect from 1.7.1976 in Southern Railway, Palghat Division and for consequential benefits.

3. It has been alleged in the application that one Shri Padmanabhan who had been on temporary status as on 21.7.72 was regularised in service with effect from 1.7.76 and that the absorption of the applicant on the post of Gangman only in the year 1984 is discriminatory.


4. The respondents in the reply statement contend that the claim of the applicant is barred by delay and laches, as he did



not agitate the question upto 1984 when he was regularised as Gangman and even thereafter. As the seniority in the Cadre has got settled and the applicant was not agitated the issue of anterior absorption for more than a decade, he is not entitled to the relief sought for now, contend the respondents.

5. After hearing the learned counsel on either side and on a perusal of the pleadings in the application, we find that there is considerable substance in the contention of the respondents that the application is barred by limitation. If the applicant had a grievance that he was not regularly absorbed while persons junior to him had already been regularly appointed, immediately on reinstatement in 1978, he should have agitated that issue. His grievance arose in 1978 when he was reinstated only as a temporary status Casual Labourer. If any person junior to him had been regularly appointed in 1976, the applicant should have claimed regularisation with effect from the date of regularisation of his juniors. He did not put forth any claim. He was regularly appointed as Gangman in 1984.

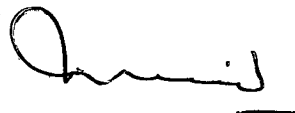
6. As stated in his representation dated 15.10.99, he claimed ante dated regularisation in his first representation dated 1.2.1990, long after the claim had been barred. Even then, though he did not receive any response to the representation dated 1.2.1990, he did not agitate the issue before any legal forum. It is well settled that repeated unsuccessful representations would not revive cause of action



that has been barred by limitation. The applicant's claim if any, for regularisation w.e.f. 1.7.76 has, therefore, become barred by limitation.

7. In the light of what is stated above, we find that the applicant does not have a subsisting cause of action and therefore, the application is dismissed leaving the parties to bear their own costs.

Dated the 14th June 2001.



T.N.T.NAYAR
ADMINISTRATIVE MEMBER



A.V.HARIDASAN
VICE CHAIRMAN

rv

Annexure A-1: No.J/P.407/IX dated 6.7.1979 issued by the Assistant Personnel Officer, Olavakkot.