

Central Administrative Tribunal, Lko Bench

Original Application No. 339/2003

this the 25th day of July, 2003

HON'BLE MR. A.K. MISRA, AM

Mahesh Singh aged about 40 years son of late Mangal Singh ex-Casual Labour Khalasi under the respondents and r/o Village Bahetuwa, Post Amausi, Dist. Lucknow.

...Applicant

By Advocate: Sri A.C. Mishra

Versus

1. Union of India through General manager, NR, Headquarter Office, Baroda House, New Delhi.
2. The General Manager, N.R., Headquarters office, Baroda House, New Delhi.
3. Chief Administrative Officer (Construction) NR, Kashmiri Gate, Delhi.
4. Divisional Rly. Manager, N.R., Hazratganj, lucknow.

...Respondents

By Advocate: Sri Deepak Shukla B/h for Sri Prashant Kumar


ORDER (ORAL)

MR. A.K. MISRA, AM

The relief claimed in this O.A. is for issue of directions to the respondents for appointment/recruitment of the applicant as Gangman in terms of the Railway Board order dated 20.12.2002 as contained in Annexure No. 1 and further that his name should be entered in the Casual Labour Live Register.

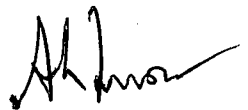
2. Learned counsel for the parties have been heard.
3. The undisputed factual position is that the applicant was engaged as Casual Labour for 97 days from 24.4.81 to 31st July, 1981 and again for 76 days from 15.9.81 to 30.11.81. Thus in the year 1981, the applicant had remained in engagement for a total period of 173 days (97 + 76). It is also not in dispute that the name of the applicant did not find place

either in the live casual labour register or in the supplementary live casual labour register. On behalf of the applicant reference was made to the letter of the General Manager, Headquarters, Baroda House, New Delhi dated 15.1.2003 and to circular dated 28.2.2001 addressed by the Railway Board to all the General Managers and also to the circular letter of 9th October, 1998 ~~of~~ screening of the casual labour borne on the live casual labour register or on the Supplementary live casual labour register. All these circular letters referred on behalf of the applicant are applicable only to those casual labour who are borne either on the live casual labour register or on the supplementary live casual labour register and not to those who are not borne on any of these registers. The applicant admittedly was not borne either on the live casual labour register or on the Supplementary live casual labour register and admittedly ~~had~~ not worked after 30.11.1981. Accordingly the applicant has no claim for reengagement. Reliance for this purpose is placed on the full bench decision of this Tribunal in the case of Mahabir and others Vs. UOI and others, reported in 2000(3) ATJ page 1 and on the full bench decision of the Delhi high Court in the case of Jagdish Prasad Vs. Union of India and others reported in EST (Delhi High Court) page No. 576. In the above judgements it was held that Railway Board circulars of ^{25.}~~24.~~4.81 and 28.8.87 which provide for placement of names of casual labour on the live casual labour register do not give a continuous cause of action and therefore, provisions of Section 21 of the AT Act, 1985 laying down limitation with regard to the filing of the O.A. would not apply. Since the applicant was not ~~been~~ borne on the live casual labour register/Supplementary live casual labour register and had not worked after 30th November, 1981, his claim for engagement /screening at this late



stage cannot be considered as the same is now barred by limitation.

4. In view of the foregoing , O.A. is dismissed without any order as to costs.



Member (A)

Lucknow:Dated: 25.7.2003

HLS/-