

**Central Administrative Tribunal Lucknow Bench Lucknow.**

**M.A.No. 2341/06 and M.A.1191/08 in  
O.A. No. 259/2006**

This, the <sup>16<sup>th</sup></sup> day of September, 2008.

Hon'ble Mr. M. Kanthaiah, Member(J)  
Hon'ble Dr. A. K. Mishra, Member (A)

Sudhir Kumar aged about 46 years son of late Sri Badri Parsed, resident of village - Khojanpur, Mohalla, Modha South Post- Rikabganj, District- Faizabad.

Applicants

By Advocate: Sri A.C. Mishra

Versus

1. Union of India through the Secretary, Ministry of Railways, Baroda House, Rafi Marg, New Delhi-110011.
2. The Chairman, Railway Board, Baroda House, Rafi Marg, New Delhi-110011.
3. Divisional Railway Manager, Northern Railway, Lucknow.
4. Sr. D.M.E., Northern Railway, Charbagh, Lucknow.
5. Deputy Chief Engineer, Construction, Northern Railway, Charbagh, Lucknow
6. Executive Engineer, Construction, Northern Railway, Charbagh, Lucknow.

Respondents.

By Advocate : Sri S.M.S. Saxena

**ORDER**

**By Hon'ble Shri M. Kanthaiah, Member (J)**

The applicant has filed the Original Application on 29.05.2006 with a prayer to quash the order dated 20.4.2006 (Annexure No.1) passed by respondent No. 6 and also to issue direction to the respondents to allow the applicant to attend to his duties.

2. The applicant, though, stated in para 3 of the O.A. that his claim is within the limitation as prescribed under Section 21 of the AT Act, he filed M.P. No. 2341/06 on 27.9.2006 for condonation of delay in filing the O.A on the

ground that his wife fell sick and he was attending to her and also on the ground of financial hardship. Subsequently, he also filed another M.P. 1191/2008 on 2.6.2008 which is the second application for condonation of delay stating that he is justified in claiming the O.A. since he worked for more than 120 days w.e.f. 18.3.79 to 11.10.79, which is required for declaration of temporary status.

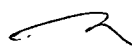
3. The claim of the applicant for condonation of delay in filing the O.A. is coming for orders after hearing both sides.

4. The respondents have filed objection on the ground that as per the case of the applicant, he was informed in respect of non entering of his name in the Live Casual Labour Register vide letter dated 25.4.1988 (Annexure A-4) and thereafter the applicant has not taken any steps and by way of the impugned order dated 20.4.2006 (Annexure No.1), the authorities have informed the same to the applicant and thus the claim of the applicant is barred by limitation and also stating that the grounds taken for condoning the delay is not at all justified and maintainable.

5. Heard both sides.

6. The points for consideration is whether the applicant is entitled for condonation of delay in filing the O.A. as prayed for.

7. It is the case of the applicant that he worked as Casual Labour under the respondents w.e.f 18.3.1979 to 11.10.1979 for more than 120 days and thereafter he was not re-engaged by the authorities. When he came to know that the applications are invited from the Casual Labourers who worked w.e.f. 1.1.1981, he sent his affidavit on 19.1.1988 claiming temporary status and the same was rejected vide letter dated 25.04.1988 (Ann.4) Again in the year 2003, when the authorities invited application, he made his representation dated 23.6.2003 and other representations for which authorities finally sent the impugned order Annexure No.1 dated 20.4.2006 stating that Casual Labourers who worked upto 1981 and subsequently discontinued and names of them have been registered in the Casual Labour Live Register whose applications are received till 31.3.1987 and thus the

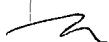


name of the applicant was not entered in the Live Casual Labour Register which was informed to the applicant vide letter dated 25.4.88 and also informed delayed submission of his application dated 17.12.2005. Admittedly the applicant also filed such letter dated 25.4.88 as Annexure No. 4 along with the O.A. stating that under the said letter, the respondents have informed the rejection of the request of the applicant stating that his name could not be entered in the live casual labour register as his request has been received after expiry of due date of 31.3.1987 and thus rejected his claim for entering his name in the Live Casual Labour register.

8. The applicant has filed this O.A. questioning the rejection order dated 20.4.2006 (Annexure No.1) and also sought direction that his name should be included in the Live Casual Labour register.


9. The respondents have taken objection on the point of limitation stating that Annexure No.1 is only an intimation and his such request was rejected way back in the year 1988 and also informed by way of rejection letter dated 25.4.1988 (Ann. 4) which finds place in Ann. 1 and as such, the claim of the applicant is barred by limitation.

10. On perusal of the Annexure No.1 and Annexure no.4, which are documents filed by the applicant, it is clear that the respondents have rejected the request of the applicant for entering his name in the Casual Labour Live Register in the year 1988 itself vide Ann. A-4 dated 25.4.1988 and by way of impugned order dated 20.4.2006 (Annexure No1), the authorities have informed the same to the applicant. Thus the rejection of the claim of the applicant is of the year 1988 and order covered under Annexure No. 1 is only an intimation in respect of such rejection and as such the respondents are justified in raising objection on the point of limitation that the cause of action to the applicant starts from the date of rejection dated 25.4.88 covered under Annexure no. 4 but not in the year 2006 under Ann. A-1. Admittedly, the applicant has filed this Original Application on 29.5.2006 i.e. more than 8 years after rejection of his claim. The applicant is not clear in respect of delay. In the application for condoning the delay, he has stated that his wife fell sick and also on the




ground for financial problems, which are not at all reasonable and sufficient for condoning the delay of about 8 years and as such the same deserves for dismissal.

11. In the result, the application for condonation of delay in filing the O.A. is rejected and the consequentially the O.A. is dismissed. No costs.

  
(Dr. A.K. Mishra)  
Member (A)

HLS/-

  
(M. Kanthaiah)  
Member (J)  
16.09.08