

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:634/95

DATE OF DECISION: 12<sup>th</sup> January 2007

Shri Ratan Mahadu Bhadange Applicant.

Shri K.B. Talreja Advocate for  
Applicant.

Versus

Union of India and others Respondents.

Shri V.S. Masurkar Advocate for  
Respondent(s)

**CORAM**

Hon'ble Shri B.N.Bahadur, Member (A)

Hon'ble Shri S.L.Jain Member (J)

(1) To be referred to the Reporter or not? <sup>Ho</sup>

(2) Whether it needs to be circulated to <sup>Ho</sup>  
other Benches of the Tribunal?

(3) Library. <sup>Ho</sup>

*S.L.Jain*  
(S.L.Jain)  
Member (A)

CENTRAL ADMINISTRATAIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO:634/95

the 12<sup>th</sup> day of JANUARY 2000

CORAM: Hon'ble Shri B.N.Bahadur, Member (A)

Hon'ble Shri S.I.Jain, Member (J)

Ratan Mahadu Bhadange

R/o

C/o Shri Bahan Mahadu Bhadange  
Ashik Nagar, Waldhuni  
Gaikwad Chawl,  
Kalyan (Dist), Thane.

...Applicant.

By Advocate Shri K.B.Talreja.

V/s

1. Union of India through  
The General Manager,  
Central Railway,  
Bombay V.T., Bombay.

2. The Divisional Railway Manager  
Central Railway,  
Bombay V.T., Bombay.

3. The Sr. Divisional Engineer,  
(Construction), Central Railway  
Bombay V.T., Bombay.

...Respondents

By Advocate Shri V.S.Masurkar.

(O R D E R )

(Per Shri S.I.Jain, Member (J) )

This is an application under Section 19 of the  
Administrative Tribunals Act 1985 seeking a direction to the  
respondents to regularise the applicant in any Group 'D' post in  
any of the department from the date of his engagement as Casual  
Khalasi with all consequential benefits.

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2. There is no dispute between the parties in respect of the facts that the applicant was engaged as Daily Rated Project Casual Labour on 24.3.1984 ceased to work on 18.7.1984, again engaged on 21.1.1985 ceased to work on 18.5.1985, re-engaged on 19.8.1985 ceased to work on 18.3.1986, Thus has worked on three occasions for broken periods i.e. for the period 117 days, 118 days, 212 days total being 447 days. The applicant through his counsel served the notice dated 16.3.1985 under Section 80 C.P.C. and reminder dated 21.4.1985 on respondent No.1, General Manager, Central Railway, Bombay, the said notice was replied by Senior Divisional Engineer (Co-ordination) having his office at B.A.V.T. and working under the administrative control of Divisional Railway Manager, Bombay Division.

3. The applicant's case in brief is that he is a S.C. candidate, has been screened in the year 1992 for regularisation but except oral assurance no action to absorb permanently has been taken, though the persons appointed subsequently have been absorbed permanently. The organised Labour union has been agitating the matter and also arranged Dharna but in vain. Hence this OA for the above said relief.

4. The respondents denied the allegations levelled against them and submitted that the caste certificate was produced on or after 7.10.1989, the applicant was not working as Casual labour in 1992, he was not screened. The applicant has served the notice

on the General Manager, Central Railway Bombay while the applicant has worked under the construction organisation. The reply given by the Senior Divisional Engineer (Co-Ordination) is an interim reply. The claim of the applicant is barred by time as he has approached the Tribunal after more than 9 years and sent a notice also after the same period. The organised Union never took the matter of the applicant for regularisation. The applicant has not attained the temporary status and not exhausted the remedies available to him. Hence prayed for dismissal of OA alongwith costs.

5. Admittedly the applicant has not worked after 18.3.1986, hence production of caste certificate, obtaining the service particulars and service of the notice under Section 80 CPC alongwith the reminder does not enlarge a period for the reason that no notice under Section 80 C.P.C. is required for approaching the Tribunal.

6. The applicant has not alleged the names of his juniors who are absorbed and the applicant is being ignored. He has also not alleged existance of vacancies. Such vague allegations leads us nowhere. It lends us to conclude that there is no cause of action.

JM/

7. It is true that the applicant has agitated the matter after 9 years and filed the OA after more than 9 years, but as there is no cause of action, hence the claim is not barred by time. Period of limitation begins to run after the cause of action accrues and not earlier to it. Hence we are not in agreement with the counsel for the respondent that the claim is barred by limitation.

8. The applicant has not claimed the relief of awarding of temporary status, no pleading to this effect, departmental remedies not exhausted, hence we leave the matter to be decided by the respondents in accordance with law.

9. The respondents have denied the fact of screening of the applicant which is not further reiterated by way of a rejoinder and no document is filed in support of this contention. Therefore, it is hereby held that the applicant was never screened.

10. As the respondents contends that the reply dated 30.3.1995 is an interim reply, the construction organisation has now been wound up, in fairness it is ordered that the Senior Divisional Engineer - the respondent No.3 shall examine the matter and pass the necessary orders in this respect.

JW/ -

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11. In the result OA is disposed of with the observation that the Senior Divisional Engineer (Construction) Central Railway Bombay shall examine the matter and pass the necessary order in this respect. No order as to costs.

*P.(O.R.)*  
(S.L.Jain)  
Member (J)

*B.N.Bahadur*

(B.N.Bahadur)  
Member (A)

12/01/2020

NS