

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO: 93/97

Date of Decision: 17-7-1997.

Shri Shankar Maruti Damane

.. Applicant

Shri K.B. Rajan.

.. Advocate for
Applicant

-versus-

Union of India and others.

.. Respondent(s)

Shri R.K.Shetty.

.. Advocate for
Respondent(s)


CORAM:

The Hon'ble Shri B.S. Hegde, Member (J)

The Hon'ble

(1) To be referred to the Reporter or not ?

(2) Whether it needs to be circulated to
other Benches of the Tribunal ?


(B.S. Hegde)
Member(J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, BOMBAY:1

Original Application No. 93/97

12th the ~~Thursday~~ day of July 1997.

CORAM: Hon'ble Shri B.S. Hegde, Member (J)

Shankar Maruti Damane
S/o late Shri Maruti Ananda
R/at: Shivganga Nagar,
Ambica Nagar, Plot No.5
Majarewadi, Behind Farsiwell
Solapur.

... Applicant.

By Advocate Shri K.B. Rajan.

V/s.

Union of India through
The General Manager,
Central Railway,
C.S.T., Mumbai.

Divisional Railway Manager
Central Railway,
Solapur.

I.O.W. Kurdwadi
Central Railway,
Solapur.

P.W.I. Miraj,
Central Railway,
Miraj.

... Respondents.

By Advocate Shri R.K. Shetty.

ORDER

¶ Per Shri B.S. Hegde, Member (J) ¶

In this O.A. the applicant is seeking
appointment on compassionate grounds and regularisation
as Casual Labour.

2. Heard Shri K.B. Rajan, counsel for the
applicant. Shri R.K. Shetty, counsel for the
respondents.

3. In so far as 'compassionate appointment'
is concerned, the Tribunal vide order dated 20.2.97,
on the basis of the submission made by the parties
has observed that it cannot be considered as the same

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is time barred. Regarding regularisation of Casual Labour, the respondents were directed to file reply and the respondents filed their reply on 26.6.97, stating that the request for compassionate appointment was rejected as back as 9.7.87 as the case is very old and records of the late employee are not available at this sistant date, it is not possible to consider the request for appointment on compassionate grounds. However it is submitted that the cause of action though arose in the year 1985 the applicant has filed this O.A. in January 97. Thereby the O.A. filed by the applicant is barred by time and deserves to be dismissed.

4. In this connection it is relevant to refer the termination letter of the respondents dated 9.5.85. Wherein it is stated that the applicant was engaged at PWI/MRJB as daily rated Casual Labour as per the letter No. LL NG dated 21.1.85/25.1.85 of IOW/NG/KUV from 30.1.85 with intimation to bring LTI Register No from IOW/NG/KUV. Since he was not having proper number of casual labours service card with him. He has been directed to produce proper numbered Casual Labour Service Card and discharged him without allowing to continue in services. He will be engaged on producing proper numbered casual Labour service card if vacancy exists. As a matter of fact the applicant was engaged as a casual labour from 30.1.85 to 4.2.85 (for 6 days only) as per Inspector of Works, Kurudwadi letter dated 21.10.85. On verification of casual labour card, it was found that the card was un-numbered and without Left Hand Thumb Impression. The applicant was asked to produce a proper casual labour service card. The applicant

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did not turn up for duty thereafter. Since the casual labour card was not available and he was asked to bring the card and he did not turn up, the question of engaging him subsequently does not arise.

5. During the course of hearing the learned counsel for the applicant has drawn my attention to the circular of the Railway Board issued on 23.2.90 regarding Engagement of casual labour. However after considering the rival contention of the parties, I am of the view that since the applicant has not complied with the directions of the respondents, the question of taking him as casual labour after lapse of 12 years does not arise. Firstly the application filed by the applicant is belated one and is barred by time. Secondly since the applicant did not turn up with appropriate casual labour card therefore the question of seeking engagement of casual labour hardly arises and thus the question of regularisation will not arise. After the hearing was over, the counsel for the applicant Shri Rajan submitted an M.P. which is unnumbered and sought for amendment of the O.A. in view of Railway Board's letter dated 10.9.86. Though the MP was considered, but in my view there is no justification in allowing the applicant to amend the O.A., specially when there is no substance or link to the issue involved, thereby his request for amendment is rejected.

6. In the result I do not find any merit in the O.A. Apart from the fact that the O.A. is barred by time even on merit the applicant has not

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made out any case for engaging him as casual labour. Accordingly the O.A. is dismissed at the admission stage after giving sufficient opportunities to both the parties. No order as to costs.


(B.S. Hegde)
Member (J)

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