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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 26.7.2000

OA 601/93

Sua Lal s/o Shri Ramdev r/o Haripura Chambal Power House,
Phulera, Distt. Jaipur.

... Applicant

v/s

1. Union of India through General Manager, Western Railway,
Churchgate, Mumbai.
2. Dvl. Rly. Manager, Western Railway, Jaipur.

... Respondents

CORAM:

HON'BLE MR. S. K. AGARWAL, JUDL. MEMBER

HON'BLE MR. N. P. NAWANI, ADM. MEMBER

For the Applicant ... Mr. P. P. Mathur, proxy counsel for
Mr. R. N. Mathur

For the Respondents ... Mr. Manish Bhandari

ORDER

PER HON'BLE MR. S. K. AGARWAL, JUDICIAL MEMBER

In this OA filed u/s 19 of the Administrative Tribunals Act, the applicant makes a prayer to direct the respondents to engage him in service by counting his seniority as casual labour from the date of his initial appointment.

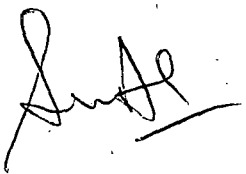
2. The brief facts of this case, as stated by the applicant are that he was engaged as casual labour on 28.2.77 and for different spells he was engaged till 3.8.77. It is stated that thereafter the applicant was disengaged and the respondents have never engaged the applicant again, whereas they have given employment to Shri Suresh and other persons as mentioned in the OA. Therefore, the applicant filed this OA for the relief as mentioned above.

...contd.

3. Reply was filed. In the reply it is stated that the applicant did not work for 137 days in the year 1977 but it is stated that he worked only for 3 days in the said period and thereafter he was employed in the year 1986-87, the details of which are mentioned in Ann.A/2. It is stated that the applicant did not work continuously for 137 days with the respondents, therefore, the applicant is not entitled to temporary status and seniority as claimed by him. Therefore, the respondents, on the basis of the averments made in the reply, have requested to dismiss this OA with costs.

4. It is an admitted fact that the applicant has filed this OA in the year 1993, whereas he was last engaged on 3.8.77. It is not the case of the applicant that he has ever filed any representation. The applicant should have approached this Tribunal within one year from the date on which the cause of action has arisen or after six months in case his representation has not been replied. But, in the instant case, the applicant has approached this Tribunal after more than 15 years. No reasonable explanation is available on record for this delay. Therefore, this OA is hopelessly barred by limitation as it has been held in Bhoop Singh v. Union of India, AIR 1992 SC 1414.

5. It is settled law that casual labour has no right to a particular post. He is neither a temporary government servant nor a permanent government servant. Protection available under Article 311 of the Constitution does not apply to him. His tenure is precarious and depends upon satisfaction of the employer. Temporary status conferred on him by the scheme only confers those rights to him which are spelt out in Clause-5 of the Casual Labours (Grant of Temporary Status & Regulation) Scheme, 1993. In the instant case, the applicant

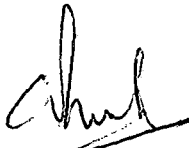


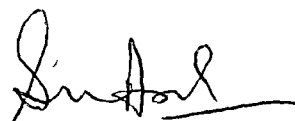
....contd.

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appears to have been disengaged in the year 1977 and thereafter he worked in the year 1986-87 for some days. Seniority to a casual labour is always given on the basis of the total working days. Therefore, in view of the facts and circumstances of this case, we are of the considered opinion that the applicant is not entitled for any relief sought for. According to the applicant, the name of the applicant was in casual live register. Therefore, if the casual labours are engaged, the applicant may also be considered according to his seniority.

6. With these observations, this OA is disposed of with no order as to costs.


(N.P. NAWANI)
MEMBER (A)


(S.K. AGARWAL)
MEMBER (J)