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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

Date of order : 08.9.2000

1. O.A. No. 155/1995

2. M.A. No. 162/95

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O.A. No. 155/1995

1. Panney Singh aged about 28 years son of Shri Girraj Singh Gujar, resident of Gram Chail, Teh. Bayana, Distt. Bharatpur.
2. Rajolo Singh son of Shri Amar Singh Gujar aged about 32 years, Gram Chail, Tehsil Bayana, Distt. Bharatpur.
3. Buddi Lal aged about 32 years son of Shri Manga Ram Gujar, resident of Gram Chail, Teh. Bayana, Distt. Bharatpur.
4. Shiv Singh aged about 28 years son of Shri Gorkhi Singh Gujar, resident of Gram Chail, Teh. Bayana, Distt. Bharatpur.
5. Suraj Mal aged about 28 years son of Shri Jagan Singh, resident of Gram Bastravali, Post Supa, Teh. Bayana, Distt. Bharatpur.
6. Ratan Singh aged about 28 years son of Shri Kubi Ram resident of Gram Bastravali, Post Supa, Teh. Bayana, Distt. Bharatpur.
7. Babu Lal son of Shri Promoli Ram, resident of Gram Chahal, Post Singera, Teh. Bayana, Distt. Bharatpur.

... Applicants.

v e r s u s

1. The Union of India through the Secretary, Telecommunication, New Delhi.
2. The Divisional Engineer, Telecommunication, Railway Electrification Project Division, Bharatpur.
3. The Assistant Engineer, Railway Electrification Project, Bayana, Distt. Bharatpur.

... Respondents.

Mr. Anurag Kulkhrestha, Adv., Brief holder for Mr. Virendra Lodha, Counsel for the applicants.

Mr. V.S. Gurjar, Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman

Hon'ble Mr. N.P. Nawani, Adm. Member

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: O R D E R :

(Per Hon'ble Mr. Justice B.S. Raikote)

In this application, the applicants have sought for declaration that their verbal termination from services is illegal and void with a further direction to reinstate the applicants in service with all consequential benefits.

2. The case of the applicants is that they were engaged as casual labourers on daily wages at Railway Electrification Project Division of Telecommunication Department. By giving the particulars at Schedule 'A' they stated that the applicant No. 1, Panne Singh was verbally engaged on 17.8.85 and verbally terminated on 31.7.86 and the applicant No.2 - Rajoli Singh, applicant No.3 - Puddhi Lal and the applicant No.4 - Shiv Singh, were verbally appointed on 12.12.84 and their services were verbally terminated on 31.7.87. They stated that the applicant No. 5 - Suraj Mal, was engaged in September, 1986 and was disengaged in June, 1988 and the applicant No. 6 - Eatan Singh, was engaged in the month of February, 1985, and was disengaged in March, 1986. Likewise, they stated that the applicant No. 7 - Babu Lal, was engaged in the month of August, 1985, and was disengaged with effect from June, 1988.

3. From the above facts, it is clear that so far as the verbal termination of the applicants is concerned, that was in the years 1986, 1987 and 1988, whereas the present application is filed in the year 1995, nearly after 7 years. In their Misc. Application No. 162/95 for condonation of delay, they stated that there was some delay in filing the G.A. because they had no knowledge of the law. But in our opinion, this does not constitute a sufficient cause for condonation of delay. In the aforesaid application, they stated that there was a delay of 4 years, but we find that there is a delay of 7 years and the same is sought to be explained, stating that they had no knowledge of law. But this plea of "no knowledge" is not acceptable as constituting sufficient cause in the consistent law declared by the Courts in India from time to time. From this, it follows that this application is liable to be dismissed on the ground of limitation only. Even otherwise, we find that the applicants were engaged on daily wage basis in the Railway Ele. Project Dn. of Telecommunication Deptt. and after the completion of the said Project, they have been disengaged. Had they come within the limitation, the things would have been entirely different. However, their claim is that they are entitled to compensation under 25-F of the Industrial Disputes Act, 1947. Hon'ble the Supreme Court has held in Himanshu Kumar Vidyarthi & Ors. vs. State of Bihar & Ors., 1997 SCC (L&S) 1079, that the person engaged as casual labourer cannot be termed as 'Workman' within the provisions of Industrial Disputes Act, 1947,

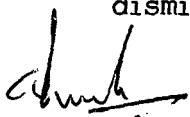


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since he was not a regular employee.

4. For the above reasons, we find that there are no merits in this application. Accordingly, we pass the order as under:-

"Original Application as well as the Misc. Application are dismissed. But in the circumstances, no costs."


(N.P. NAWANI)
Adm. Member


(B.S. RAIKOTE)
Vice Chairman

cvr.