

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.3647/2014

New Delhi, this the 11th day of February, 2019

Hon'ble Mr. Pradeep Kumar, Member (A)

Iqbal Hussain aged about 53 years

S/o Zamil Hussain

Ex-Casual Labour Khallasi

At SSE Works, Bhopal WCR;

R/o C/o Smt. Noor Jahan Begum,

Tankwali Jhuggi, Near Gharhwali Temple

Raghubir Nagar, Vishnu Garden,

New Delhi.

....Applicant

(Present: Mr. H.P. Chakaravorty)

Versus

1. The General Manager,
West Central Railway
Jabalpur, M.P.

2. The Divisional Railway Manager,
West Central Railway, Habibganj
Bhopal, M.P.

.. Respondents

(By Advocate Mr. Shailendra Tiwary)

ORDER (ORAL)

The instant OA has been filed by one Mr. Iqbal Hussain S/o Shri Zamil Hussain, who claims that he had worked as Casual Labour under the then Inspector of Works, (now called as Sr. Section Engineer/Works), Central Railway Bhopal, and he was issued a Casual Labour Service Card no.262277. As per this card, the applicant claims that his date of birth is 17.10.1961 and he was initially appointed on 19.11.1979 and worked with the respondents in four broken spells as under:-

- (i) 19.11.1979 to 18.03.1980 120 days
- (ii) 21.03.1980 to 18.07.1980 ... 120 days
- (iii) 24.07.1980 to 18.11.1980 ...118 days
- (iv) 22.11.1980 to 18 03.1981 ...117 days

The respondent had a scheme of regularization of Casual Labour and accordingly, the applicant claims that he had made a representation, in the requisite proforma, and submitted it to the respondents on 10.02.2000. However, as no action had been taken by the respondents on the same, the applicant has approached the Tribunal, vide instant OA filed by him in the year 2014.

2. The applicant relied upon the rules and regulation issued by the respondents and as contained in Chapter 20 of the Indian Railways Establishment Manual (Vol-II) in para (5), which states as under;-

“ (5) In order to provide documentary proof of service, a casual labour should be given a card. A person wanting to be appointed as a casual labour should be asked to supply to the administration two passport size copies of his photograph at the time of his engagement as casual labour. This photograph duly attested by the competent –authority should be pasted on his service card another copy is the casual labour register. Casual labour should be asked to deposit Rs.1/- towards the cost of service card. The following particulars should be indicated by concerned supervisory official in the service card.

- (1) Name of the employee (in block letters)
- (2) Father's Name (in Block Letters)
- (3) Date of birth
- (4) Age at initial casual employment, year, month
- (5) Personal marks/s of –identification
- (6) Date of engagement
- (7) Date of termination.

- (8) Nature of job on each occasion
- (9) Signature of the Supervisor
- (10) Name in full (In capital letters) & Designation of the supervisor."

The applicant pleads that it was in accordance with these instructions that he was issued the casual labour card No.262277.

3.0 Infact, the applicant had submitted a notification dated 17.01.2000 issued by the DRM Office, Bhopal Division of Central Railways along with OA, wherein prescribed proforma was indicated on which the erstwhile casual labourers were required to give their application. It is in compliance of this notification that the applicant claimed that he had submitted his application dated 10.02.2000. However, the respondents plead that such an application was never received.

4.0 The respondents have opposed the OA and it was brought out that no such application dated 10.02.2000 was ever submitted by the applicant at the relevant point of time.

5.0. The respondents further pleaded that after the applicant had filed OA and referred to his application dated 10.02.2000, the respondents had undertaken an investigation. The Sr. Section Engineer, West Central Railway, Bhopal vide his letter dated 13.11.2014, had advised to the Divisional Railway Manager (Pers.) Bhopal,

that the said casual labour card No. 262277 was never issued by the office and the same is fake. It was also advised by the Sr. Section Engineer in this report that at the relevant point of time, no such application dated 10.02.2000 was received. Further, even the seal and pattern on the said casual labour card, is fake.

6.0 The respondents further pleaded that requisite notification for regularization was issued on 17.1.2000. The applicant had approached the Tribunal in the year 2014 and pleaded that action was not taken on his application Dt.10.02.2000. Fourteen year time has been lapsed during which applicant kept quiet. Thus application is time barred and not maintainable.

The respondents further brought out that once the relied upon casual labour card itself is fake, no further action can be taken and accordingly, the OA is required to be dismissed.

7.0 The matter has been heard at length. The case of the applicant is represented by Mr. H.P.Chakravorty and Mr.Shailender Tiwary represented the respondents.

8.0 The notification for regularization of the Casual Labour was issued on 17.01.2000 and the applicant claims that he submitted his application on 10.02.2000. However, no action

was taken by the respondents and he approached the Tribunal after 14 years in the year 2014. The delay is thus admitted and no explanation has been offered. On this account, itself, the OA is treated as time barred and not maintainable.

9.0 Even on merits, respondents pleaded that once the issuance of casual labour card has been held to be fake, no further action is required to be taken by the respondents on the plea of applicant to hold an enquiry. This plea has been considered and accepted.

10.0 Further, as per the documents submitted by the applicant, his date of birth is 17.10.1961. On this account also, the applicant has already crossed the age of 57 years. Therefore he is overage even on this account and not eligible for employment.

11.0 In view of the foregoing, the present OA is not maintainable. There is no merit either. The OA is, accordingly, dismissed being devoid of merit. No order as to costs.

(Pradeep Kumar)
Member (A)

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