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Central Administrative Tribunal
Principal Bench

OA No. 2732/2003

New Delhi this the 12th day of November. 2003

Hon'ble Shri V..K. Majotra, Vice-Chairman (A)

Shri Surjeet Kumar,
S/o Shri Prehlad Rai,
Village/P.O. Mathura Pur,
Distt. Malda (West Bengal)
Retrenched Casual Labour
Under Signal Inspector (Works).
(Respondent No.3 Office)

-Applicant

(By Advocate: Shri D.R. Roy)

Versus

Union of India, through

1. The General Manager,
Northern Railway,
Headquarters Office,
Baroda House, New Delhi.
2. C.S.E.E.
Northern Railway,
Headquarters Office,
Baroda House,
New Delhi.
3. Senior Signal & Tele Engineer (Spl).
Northern Railway, DRM's Office
Exchange Building,
New Delhi.

-Respondents

ORDER (Oral)

Through this OA, applicant has sought re-engagement with the respondents as also regularisation of his services in the cadre of Khalasi (Category 'D') with consequential benefits with effect from the date of appointment of his immediate juniors.

2. Learned counsel of the applicant stated that applicant was engaged as casual labour under respondent No.3 on 3.3.1978. He worked in project

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continuously upto 14.1.1983 when his services were retrenched. It is stated that as per the directions of the Supreme Court and the relevant scheme applicant who had put in 1654 days of work at the time of retrenchment, should have been re-engaged and his services regularised. He stated that respondents had prepared a panel of persons for this purpose. According to him, he should have been re-engaged in July 1983 when all those retrenched along with the applicant were re-engaged..

3. Learned counsel of the applicant has not pointed out any scheme and the Supreme Court's orders under which the applicant should have been considered for re-engagement and later on regularised. Applicant has not submitted any proof regarding the panel of names prepared in 1980 on the basis of which his other colleagues whose services were retrenched, were re-engaged. Learned counsel stated that this panel was declared in 1990, however, he has not submitted any proof to this effect.

4. If what the applicant has stated is considered to be correct, cause of action for him had arisen in 1980/1983/at the most in 1990 when the panel, if any was declared. This OA has been filed on 7.11.2003, i.e., after more than a decade. Applicant has not pursued his remedies promptly and slept over his rights. Sleeping over his rights and remedies for an inordinately long time does not merit interference by the Court. Even on merits, the Supreme Court's

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judgment. the Scheme of Government of India and the panel which are being relied upon by the applicant have not been submitted on behalf of the applicant. As such, the claim of the applicant is not established.

5. In view of the above discussion, this OA is dismissed in limine.

V.K. Majotra

(V.K. Majotra)
Vice-Chairman (A)

cc.