

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI**

O.A. NO.2898 /2003  
M.A. NO.2507/2003

This the 23<sup>rd</sup> day of August, 2004.

**HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)**

1. Govind Singh S/O Devi Singh
2. Sampat S/O Durga
3. Ramesh S/O Chedi
4. Ram Prasad S/O Durga
5. Ram Pyare S/O Bhagwan Deen
6. Ram Gulam S/O Mahadev
7. Shyam Sunder S/O Ram Kishore
8. Ram Vilas S/O Ram Dev
9. Ram Kumar S/O Sukhu
10. Bachhu S/O Mahaveer
11. Sukh Dev S/O Sawal Ram
12. Methai Lal S/O Aari
13. Ram Lal S/O Mohan
14. Munger S/O Datta
15. Bhagwan Sahai S/O Ganesh
16. Vikram Prasad S/O Ram Ashish Prasad (Black Smith)
17. Harish Narain Singh S/O Mukhi Singh
18. Ram Kishore S/O Ram Avtar
19. Suresh S/O Chotta Lal
20. Udai Raj S/O Ram Naresh
21. Prem Singh S/O Man Singh
22. Jagan Nath S/O RamAvtar
23. Ram Dulare S/O Ram Prasad
24. Ghuran S/O Shiv Lal
25. Ram Vilas S/O Chuchar
26. Kedar Nath S/O Dukh Haran
27. Ganga Ram S/O Mitar Paul
28. Bhuni Lal S/O Badri
29. Chhadi Lal S/O Bhagwati
30. Bakhsar S/O Mahavir
31. Chote Lal S/O Lal
32. Bhagwan Deen S/O Chhota
33. Chiranji S/O Maglia
34. Udai Singh S/O Durbal
35. Kalu S/O Parenay
36. Lachhi Ram S/O Bansi Ram
37. Ramnaomi S/O
38. Guru Deen S/O Bachhu

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39. Sunila Das S/O Ramcharan Das
40. Phool Chand S/O Chedi Lal
41. Om Prakash S/O Sher Singh
42. Amarnath S/O Rameshwar

All Gangman working under  
Section Engineer, P-Way,  
Northern Railway, Delhi.

... Applicants

( By Shri S. K. Sawhney, Advocate )

-versus-

1. Union of India through  
General Manager,  
Northern Railway,  
Baroda House, New Delhi.
2. Divisional Superintending Engineer (C),  
Northern Railway, D.R.M. Office,  
Chelmsford Road, New Delhi.
3. Assistant Divisional Engineer,  
Northern Railway, Delhi.
4. Section Engineer (P.Way),  
Northern Railway, Delhi.

... Respondents

( By Shri R. L. Dhawan, Advocate )

### **ORDER (ORAL)**

M.A. No.2507/12003 for joining together is allowed.

Applicants have challenged respondents' action in not paying arrears claimed by them on the basis of Annexure A-1 dated 11.6.1993. The learned counsel of applicants contended that the applicants claim the benefit accorded to the applicants in OA No.276/2003 vide order dated 5.2.2003 : **Baij Nath & Ors. v. Union of India & Ors.** (Annexure A-2). Thereby, respondents were directed to disburse to the applicants therein difference of wages on

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attainment of temporary status. The learned counsel stated that applicants had acquired temporary status as casual labour in the 1970s on completion of 120 continuous working days in terms of Railway Board's instructions dated 12.7.1973. He further pointed out that railway authorities themselves as per Annexure A-6 dated 23.10.2003 stated that bills for payment of arrears to the applicants were submitted to the competent authority on 17.9.1993 but they have not yet been paid.

2. The learned counsel of respondents, on the other hand, took exception to the OA on the ground of jurisdiction as also of limitation. According to him, the cause of action for the applicants had arisen in the 1970s when the applicants were accorded temporary status. As such, this Tribunal has no jurisdiction to deal with the matter. He relied on Tribunal's order dated 12.3.2003 in OA No.2394/2001 : **Brij Kishore & Ors. v. Union of India & Ors.** The learned counsel further stated that the applicants have claimed difference of wages as casual labour and the regular scale of pay in terms of Railway Board's instructions dated 12.7.1973. However, the present OA has been filed after a period of more than 30 years and as such is clearly barred by limitation.

3. The learned counsel of the applicants stated that the cause of action for the applicants arose in 1994 only when the respondents had themselves by Annexure A-1 dated 11.6.1993 accepted that arrears of pay to the applicants have to be paid on account of grant of temporary status from 12.7.1973 and as such, there cannot be any

objection to the jurisdiction of the Tribunal. He further stated that applicants seek benefit of Tribunal's judgment dated 5.2.2003 in the case of **Baij Nath & Ors.** (supra). Thus, the objection in respect of limitation will also not apply to the facts of the present case.

4. The ratio in the case of **Brij Kishore & Ors.** (supra) is squarely applicable to the facts of the present case. In that case as well applicants therein were initially engaged during the 1970s and were accorded temporary status on completion of 120 days during the period 1971-1976. The relevant observation is extracted below :


"14. I have carefully considered the rival contentions of the parties and perused the material on record. Through this OA, in fact, applicants seek temporary status on completion of 120 days of respective service from the date of their initial engagement and also claim after completion of 180 days, 1/30 of the minimum pay scale plus DA. In this furtherance, applicants also seek counting of 50% of the service of temporary status towards qualifying service for the purpose of pension. In fact, all the applicants were initially engaged from the year 1971 to 1976 and completed 120 days in the same year, their claim for accord of temporary status and counting 50% of service till their regularisation in 1980, cannot be countenanced both on merit and limitation as well as this Court has no jurisdiction to take cognizance of a cause of action of which had arisen three years prior to establishment of Central Administrative Tribunal, i.e., 1.11.1985 as per Section 21(2) of Central Administrative Tribunals Act, 1985."

5. Obviously this Court has no jurisdiction over the present matter whose cause of action arose prior to 1.11.1982, i.e., more than three years prior to establishment of the Central Administrative Tribunal. In this view of the matter it is not necessary to dwell upon the merits of the case. It is further observed that the issue of

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jurisdiction in the case of **Baij Nath** (supra) was not at all considered by the Court. As such, claims of the applicants placing reliance on that judgment cannot be entertained in this forum.

6. Accordingly, this OA is dismissed as not maintainable on the ground of jurisdiction.

  
23.8.04.  
( V. K. Majotra )  
Vice-Chairman (A)

/as/