
(2026) 01 CAT CK 1345

In the Central Administrative Tribunal, Allahabad Bench, Allahabad

Case No : Original Application No. 99 Of 2011

Lakshman & Ors

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 01-01-2026

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19
Industrial Disputes Act, 1947 — Section 25F
Constitution Of India, 1950 — Article 14, 16

Citation : (2026) 01 CAT CK 1345

Hon'ble Judges : Rajnish Kumar Rai, Member (J)

Bench : Single Bench

Advocate : Dharmendra Tiwari, Jaswant Singh, S.K. Pandey, Vijay Kumar Singh

Final Decision : Dismissed

Judgement

Rajnish Kumar Rai, Member (J)

1. Mr. Dharmendra Tiwari, Mr. Jaswant Singh and Mr. S.K. Pandey, learned counsel for the applicants and Mr. Vijay Kumar Singh, learned counsel for the respondents are present and heard.

2. The applicants have approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs: -

"i) This Hon'ble Tribunal may be pleased to quash the impugned notification and dated 15.12.2010 issued by the respondent No.1 (Annexure A-1 to this original application).

ii) This Hon'ble Tribunal may be pleased to issue direction to the respondents to appoint the applicants in Group-D post against the existing vacancy in the respondent organization.

iii) This Hon'ble Tribunal may be pleased to direct the respondents to grant age relaxation as has been decided in O.A. No. 828/01 and further regularized their

services from the date their juniors have been appointed.

iv) Any other relief, which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case may be given in favour of the applicants.

v) Award the costs of the original application in favour of the applicants.”

3. The brief facts of the case are that the applicants were engaged as project casual labourers in the North Eastern Railway during 1977–1982, their names were duly entered in the Live Casual Labour Register prepared pursuant to the Hon'ble Supreme Court's judgment in *Inder Pal Yadav vs. Union of India*, and they claim to have worked sufficient days to acquire temporary status but were disengaged without notice or retrenchment compensation under Section 25F of the Industrial Disputes Act. They allege that despite directions of the Apex Court to absorb ex-casual labourers strictly on the basis of seniority, the respondents issued a fresh notification dated 15.12.2010 for recruitment to Group-D posts from the open market, bypassing the applicants, while juniors with fewer working days were re-engaged and regularized between 1993–1994, amounting to violation of Articles 14 and 16 of the Constitution, and being aggrieved by such arbitrary and discriminatory action of the respondents, the applicants have approached this Tribunal by filing the present Original Application.

4. Learned counsel for the applicants submitted that the applicants, having been engaged as project casual labourers in the North Eastern Railway during 1977–1982, had completed the requisite number of working days to acquire temporary status and their names were duly entered in the Live Casual Labour Register prepared pursuant to the Hon'ble Supreme Court's judgment in *Inder Pal Yadav vs. Union of India*. It was urged that despite this statutory recognition, the respondents disengaged them without issuing retrenchment notices or paying compensation under Section 25F of the Industrial Disputes Act. Counsel emphasized that juniors with fewer working days, such as Ambika Singh and others, were re-engaged and regularized in 1993–1994, while the applicants were arbitrarily excluded, amounting to discrimination and violation of Articles 14 and 16 of the Constitution. It was further submitted that once the names of the applicants stood recorded in the Live Casual Register, they acquired a vested right to be considered for re-engagement before any fresh recruitment, and the issuance of notification dated 15.12.2010 for open market recruitment to Group-D posts was contrary to the binding scheme approved by the Hon'ble Apex Court.

5. Learned counsel for the respondents submitted that the Live Casual Register was duly prepared division-wise and category-wise as per Railway Board's letter dated 11.09.1986 and was subsequently updated in 1999 after public notification requiring submission of documents. The applicants, it was contended, failed to furnish the requisite records and, therefore, their names were not included in the revised list, rendering them ineligible for screening conducted in 2008. It was argued that only those ex-casual labourers fulfilling all eligibility conditions, including age limits, could be considered, and no relaxation was permissible

under Railway Board instructions. Counsel further submitted that certain posts like Safaiwala were filled by taking options from willing ex-casual labourers or substitutes, which did not amount to bypassing seniority, and denied that juniors were re-engaged in construction units. The respondents maintained that the recruitment notification of 2010 was issued strictly under Railway Board directives for filling Group-D posts, and the applicants, not being in the updated register or within the prescribed eligibility criteria, cannot claim regularization as of right.

6. Learned counsel for the respondents further submitted, through counter reply filed along with parawise reply on 31.03.2011, that all the applicants have already attained the age of superannuation and, therefore, the relief claimed by them is not maintainable. It was also pointed out that the employment notification dated 15.12.2010, challenged by the applicants, had already been finalized and appointments were made strictly in terms of the prescribed conditions. Those who fulfilled the eligibility criteria under the said notification were appointed in conformity with the law laid down by the Hon'ble Supreme Court in *Secretary, State of Karnataka vs. Uma Devi* [(2006) 4 SCC 1], and the process was conducted in adherence to the principles of Articles 14 and 16 of the Constitution.

7. Learned counsel for the applicants has filed rejoinder affidavit along with parawise reply on 19.11.2024, wherein it has been asserted that all objections raised in the counter reply had already been rejected by this Tribunal in earlier matters such as O.A. No.127/1997 (*Ambika Singh and others vs. Union of India*), and despite juniors with fewer working days and even over-aged being regularized, the present applicants were arbitrarily excluded. It was submitted that the respondents have concealed crucial documents such as the original Live Casual Register, supplementary register, seniority position of the applicants, retrenchment notices, and records of juniors who were regularized, thereby defeating the genuine claim of the applicants. The rejoinder emphasized that once the applicants' names were borne on the Live Casual Register, they acquired a vested right to be considered for re-engagement before any fresh recruitment, and the respondents cannot be permitted to take advantage of their own lapses. It was further argued that the applicants never refused re-engagement, no valid discharge orders were ever served, and several juniors including Ambika Singh were regularized long back, hence the applicants are entitled to regularization w.e.f. the date of their juniors with all consequential benefits, or in the alternative, compensation for the illegalities committed by the respondents.

8. Learned counsel for the respondents, in support of their stand, placed reliance upon the judgment of this Tribunal in *Jagdish and others vs. Union of India* (OA No. 31 of 2019, decided on 09.05.2023 along with connected Original Applications), wherein similar claims of ex-casual labourers were dismissed on the ground of delay and laches, holding that once the screening committee had declared them unsuitable and they had crossed the maximum age limit, no

notional benefit could be extended. It was further held that the absorption scheme was no longer in existence, most applicants had crossed the age of superannuation, and no compensatory monetary benefit could be granted.

9. I have considered the rival submissions advanced by the learned counsel for the parties and perused the records.

10. From the material placed on record and in the light of several authoritative pronouncements of the Hon'ble Supreme Court and this Tribunal, it is evident that the applicants, having been disengaged in 1982, remained indolent for decades and approached this Tribunal only in 2011. Their claim is hopelessly barred by limitation and suffers from gross laches. The Hon'ble Supreme Court in *Union of India vs. Harnam Singh* [(1993) 2 SCC 162] held that "the law of limitation may operate harshly but it has to be applied with all its rigor and the Courts or Tribunals cannot come to the aid of those who sleep over their rights and allow the period of limitation to expire." Similarly, in *S.S. Rathore vs. State of M.P.* [(1989) 4 SCC 582], it was observed that "repeated representations or reminders do not give rise to a fresh cause of action nor extend limitation." The principle was reiterated in *Karnataka Power Corporation Ltd. vs. Thangappan* [(2006) 4 SCC 322], where the Court held that "mere making of representations cannot justify the delay and laches in approaching the Court."

11. This Tribunal finds considerable force in the reliance so placed by the respondents. The ratio laid down in *Jagdish and others vs. Union of India* (OA No. 31 of 2019, decided on 09.05.2023 along with connected Original Applications) squarely applies to the present case, i.e. OA No. 99 of 2011 (*Lakshman and others vs. Union of India and others*). In both sets of matters, the applicants, disengaged decades earlier, approached the Tribunal at a highly belated stage, having already crossed the prescribed age limit. The Tribunal in *Jagdish* categorically held that the absorption scheme was no longer in existence, that most applicants had crossed the age of superannuation, and that no compensatory monetary benefit could be granted. It was further observed that "this Tribunal is not empowered to grant age relaxation at a belated stage." The same reasoning squarely governs the present case.

12. In addition, this Tribunal also notes that all the applicants have already attained the age of superannuation, and therefore no relief can be granted at this stage. The employment notification dated 15.12.2010, which was challenged by the applicants, has long since been finalized and appointments made strictly in terms of the prescribed conditions. Those who fulfilled the eligibility criteria under the said notification were appointed in conformity with the law laid down by the Hon'ble Supreme Court in *Secretary, State of Karnataka vs. Uma Devi* [(2006) 4 SCC 1], and the process was conducted in adherence to the principles of Articles 14 and 16 of the Constitution.

13. In view of the above settled law and factual matrix, the present Original Application No. 99 of 2011 is devoid of merit and is accordingly dismissed. No

order as to costs.

14. All pending Miscellaneous Applications, if any, stand disposed of.