

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(9)

O.A.No.2082/2001

M.A.No.1742/2001

Hon'ble Shri Shanker Raju, Member(J)

Friday, this the 24th day of May, 2002

1. Suraj Pal
s/o Shri Devi
2. Kishan Lal
s/o Shri Naney
3. Het Ram
s/o Shri Asha Ram
4. Swaran Singh
s/o Shri Nek Singh
5. Mangli Ram
s/o Shri Punni

All are the Ex-casual labourers
under the DRM, N.E.Railway, Izat Nagar
and now all are working as daily rated
Mazdoor in Delhi.

Mailing Address:

C/o Chaurasia Pan Bhandar
Dada Chatri Wala Marg,
Gali No.10
Rajnagar-I, Palam Colony
New Delhi.

.. Applicants

(By Advocate: Dr. Ajay Kumar, proxy of Shri U.
Srivastava)

Vs.

Union of India through

1. The General Manager
North Eastern Railway
Gorakhpur (UP).
2. The Divisional Railway Manager
N.E.Railway, Izat Nagar.

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Respondents

(By Advocate: Shri B.S.Jain)

O R D E R (Oral)

By Shanker Raju, M(J):

Heard both the parties.

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2. Applicants, who have earlier approached this Court in OA No.1370/1993, certain directions have been issued to place their names in the Live Casual Labour Register (in short as 'LCLR') and thereafter to consider them for re-engagement subject to availability of work and in accordance with rules and their seniority. In compliance thereof, the names of the applicants have been brought in the LCLR.

3. It is contended by the learned proxy counsel for applicants that as far as the age relaxation is concerned, in view of Para 2006(iii) of IREM Vol.II, in old cases, a sympathetic approach should be taken by the DRM by exercising his powers to grant relaxation. The aforesaid provision was also highlighted before a Co-ordinate Bench of this Tribunal in OA No.2544/99, decided on 24.1.2001 wherein directions have been issued to re-engagement of the applicant therein in accordance with the observations made in the order.

4. Shri B.S.Jain, learned counsel appearing on behalf of the respondents, though taken a preliminary objection of res-judicate, states that except Shri Suraj Pal, all other applicants do not fulfil the eligibility criteria as they are not qualified having not passed 8th Class. It is further stated that as the applicant Shri Suraj Pal has attained the age of 43 years which is the maximum age limit for re-engagement of ex-casual labour after allowing the relaxation to the number of working days as per the extant rules, his case cannot be considered

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in future even on availability of other vacancies as per the circular of the Railway Board, dated 28.2.2001.

5. I have carefully considered the rival contentions of both the parties and also perused the pleadings on record. In my considered view, Applicants No.2 to 5, namely, S/Shri Kishan Lal, Het Ram, Swaran Singh and Mangali Ram, who do not fulfil the eligibility criteria laid down, more particularly qualifications, they are not entitled for being considered for re-engagement even if a vacancy is available, their claim is accordingly rejected.

6. In so far as Shri Suraj Pal is concerned, who is qualified and belongs to OBC category and having regard to the ratio laid down by this Tribunal in OA No.2544/99 and also keeping in view of the Paragraph 2006(iii) of IREM Vol.II, the DRM may exercise such powers to grant relaxation in age limit, taking a sympathetic consideration in old cases, this OA is disposed of with a direction to the respondents to consider the case of Applicant No.1 for relaxation in upper age limit sympathetically and in accordance with Para 2006(iii) of IREM Vol.II and also for re-engagement of the applicant subject to availability of vacancy and fulfilment of the eligibility criteria. No costs.

S. Raju

(Shanker Raju)
Member(J)

/rao/

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