

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A. No.83/99 IN
O.A. No. 821/98

HON'BLE SHRI R.K. AHOOJA, MEMBER(A)

New Delhi, this the 25th day of October, 1999

17

Lakhi Singh
S/o Shri Malkhan Singh
R/o RA-217, Chaurasia Pan Bhandar
Dada Chhatri Wala Marg
Raj Nagar-I, Palam Colony
New Delhi 110 045

....Applicant

(By Advocate: Shri U. Srivastava)

Versus

1. Union of India Through
The General Manager
Northern Railway
Baroda House, New Delhi
2. The Divisional Railway Manager
Northern Railway
New Delhi
3. The Senior Divisional Personnel Officer
P-5 Branch, D.R.M. Office
New Delhi
4. The Permanent Way Inspector (PWI)
Northern Railway
(Broad Gauge Line Rohtak-Bhiwani)
Rohtak (Haryana)

....Respondents

(By Advocate: Shri B.S. Jain)

O R D E R

The applicant's claim was that as he had worked under Station Master, Kalanaur between 7.11.79 to 10.1.1983, he was entitled to have his name placed on the Live Casual Labour Register and to be offered reengagement and regularisation in accordance with his seniority. He also claimed that the respondents had called him for screening in 1993 and he was assured that he will be called up in due course. As no further communication was sent to him, he filed O.A. No.821/98.

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2. The respondents submitted in reply to the O.A. that the applicant had worked under PWI, Bhiwani for 666 days between 14.10.1979 to 14.1.1982.. Thereafter he had left the job of his own accord and thus was not entitled to have his name placed on the Live Casual Labour Register. They also denied the claim of the applicant that he was ever called for screening or medical test. Holding that the delay in approaching the Tribunal thus raised a presumption against the applicant since a retrenched employee is less likely to wait for a period of 16 years to seek his relief, the O.A. was dismissed. It was also observed that the applicant had not been able to give any proof that he was ever called for screening and medical test.

18

3. The applicant has now filed this R.A. in which he has pointed out that on the interim directions of the Tribunal the respondents had filed an additional affidavit stating therein that the applicant had never been called for a screening or medical test. The applicant submits that after the final orders of the Tribunal, he had made further efforts and got a copy of an order No.255 E/355/P.5 dated 16.5.1989 under the title "Supplementary screening of casual labour for Technical categories". He submits that his name stands at S.No.46 in the list of those screened. In the light of this fact, the applicant has sought a review of the Tribunal's order dated 15.2.1999 in O.A. No.821/98.

4. Notices were issued to the respondents and both the parties have been heard. Shri B. S. Jain, learned counsel for the respondents opposed the R.A. on the ground that the evidence produced by the applicant was not such

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could not have been produced while the OA was heard. He also stated that the number of the call letter mentioned by the applicant in the O.A. was indicated as of the year 1990 whereas in the documents produced now ~~were~~ dated 16.5.89. He submitted that no such letter bearing the number mentioned by the applicant in the original O.A. was ever issued by the respondents.

19

5. The veracity of the later on supplementary screening on casual labour dated 16.5.89, produced by the applicant, has not been denied by the respondents. Shri Jain also fairly conceded that this list appears to be authentic. The name of the applicant is at S.No.46. The applicant could not have been screened unless a call letter to him had been issued. It is the contention of the respondents that the screening list was not operated upon. The fact remains that if the applicant was called for screening, he could not have been treated as ineligible on account of having left the work of his own accord.

6. In the result, I find that the applicant is entitled to have his name placed on the Live Casual Labour Register on the basis of the admitted period of engagement as Casual Labour and for reengagement and seniority on that basis. Accordingly, the orders of the Tribunal dated 18.2.1999 are recalled. The respondents are directed to include the name of the applicant in the Live Casual Labour Register on the basis of his admitted reengagement for 666 days between 14.10.79 to 14.1.82. The respondents will also offer him reengagement and will consider him for regularisation within three months from the date of receipt of a copy of this order on the basis of his seniority. No order as to costs.

REKAM -
(R.K. AHODJA)
MEMBER (A)