

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No. 2194/98

HON'BLE SMT. SHANTA SHAstry, MEMBER (A)

New Delhi, this the 4th day of January, 2000

(10)

Suresh Singh
Aged about 34 years
son of Shri Sant Ram
R/o c/o Mahendra Singh Choudhari
(House of Surjeet Singh Choudhari)
House No.4876-IX, Street No.1
Masjidwali Gali, Old Seelampur
Gandhi Nagar, Shahadara, Delhi - 31 ...Applicant

(By Advocate: Shri H.P. Chakravorty)

Versus

1. Union of India through the Chairman
Railway Board, Principal Secretary
Govt. of India
Ministry of Railways
Rail Bhavan, New Delhi
2. The General Manager
Central Railway
Mumbai C.S.T.
3. The Divisional Railway Manager
Central Railway
Jhansi
4. The Assistant Engineer
Central Railway
Kanpur
5. The Inspector of Works
(Sr. Section Engineer - Works)
Central Railway, Juhi (Kanpur) ...Respondents

(By Advocate: Shri K.K. Shukla, proxy of
Smt. B. Sunita Rao)

O R D E R

Hon'ble Smt. Shanta Shastry, Member(A)

In this case the applicant was initially engaged as Casual Khalasi with Permanent Way Inspector (Relaying), Kosi Kalan on 1.10.1982 and he was issued with casual labour service card No.289998. He worked upto 18.12.1982. Thereafter he acquired higher educational qualification and was again engaged as Casual Khalasi ^{un}at Permanent Way Inspector at Juhi,

Kanpur from 20.8.1994 and continued uninterruptedly there. On completion of 120 days he was conferred with temporary status. Subsequently for the purpose of absorption in regular service, he was sent for medical examination in category B-1 on 14.8.1986 but he was declared unfit due to colour defect. Thereafter, he was directed to undergo medical examination in the category C-1 on 10.9.1987. He passed the examination. However, he was not taken on duty. The respondent No.4, i.e. Assistant Engineer, Central Railway, Kanpur directed the respondent No.5, i.e. Inspector of Works, Juhi, Kanpur, ^{their} keeping in view the vacancy position of casual Khallasies with him, the applicant should be taken on duty and if no vacancy existed at the moment, his name should be registered and he should be taken on duty as and when vacancy occurred. Inspite of a lapse of more than one year, the applicant was not engaged further. Thereafter he kept representing to various authorities but the matter was only tossed over from one respondent to another respondent and he has not been engaged for want of vacancy. Aggrieved by his not being reengaged as Casual Labour with temporary status of medical category C-1 post the applicant has prayed to be reengaged in any department of Central Railway under any authority preferably under Respondents No.4 and 5 and to absorb him in regular Group 'D' service.

2. The respondents were given time to file their counter. However, the respondents did not file the counter till the date of final hearing. It is almost one year since they were granted time. The learned proxy counsel for the respondents who was present said

that no counter was being filed and the case would be argued without the same. The learned counsel simply simply drew my attention to para 4.8 of the O.A. pointing out that the applicant's name has already been entered in the Live Casual Labour Register. The applicant failed in the B-1 medical examination. The posts for those who passed C-1 classification were less in number.

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3. Here is a clear case where the applicant had attained temporary status. Therefore, he should have been reengaged in preference to juniors and outsiders according to the Casual Labourers (Grant of Temporary Status) Scheme but he has been denied the same only on ground of there being no vacancy. The applicant has clearly pointed out how his juniors have been engaged in C-1 classification posts. It is a genuine case. The learned proxy counsel for the respondents has not denied the facts as stated by the applicant. In view of this the respondents are directed to reengage the applicant immediately in the first available vacancy in the C-1 category in preference to his juniors and outsiders. Thereafter the respondents should consider him for regularisation as per the scheme for Casual Labourers (Grant of Temporary Status) Scheme. This may be done within a period of two months.

4. In the result, the O.A. is allowed. No costs are ordered.

Shanta Shastray
(Smt. Shanta Shastray)
Member (A)