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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.223/98

New Delhi: Dated this the 1st day of DECEMBER, 1998.

HON'BLE MR.S.R.ADIGE VICE CHAIRMAN (A)

Hanpal S/o Jeevan,
C/o Shri Bishamber, Safaiwala,
Railway Colony,
Bhiwani (Haryana)

(By Advocate: Shri Yogesh Sharma)

..... applicant.

Versus

Union of India
through

General Manager,
Western Railway,
Churchgate,
Bombay.

2. Divisional Railway Manager,
Western Railway,
Bikaner.

3. Senior Health & Food Inspector,
Northern Railway,
Hissar (Haryana).
..... Respondents.

(By Advocate: Shri R.L. Dhawan)

ORDER

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A):

Applicant seeks inclusion in LCL Register,
engagement and eventual regularisation.

2. He had earlier filed O.A. No. 3076/91 which was disposed of by order dated 2.12.96 after hearing both parties, with a direction to respondents to consider his case for inclusion in LCL Register and to inform of his position therein within 4 months.

3. Upon action not being taken by respondents, applicant filed O.P. No. 318/97 which was allowed

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to be converted into the present OA by order dated 19.1.98. Meanwhile respondents in compliance of the aforesaid order dated 2.12.96 have issued order dated 17.12.97.

4. I have heard applicant's counsel Shri Shama and respondents' counsel Shri Dhawan.

5. Shri Dhawan has emphasised the contents of respondents' order dated 17.12.97 namely that applicant was not appointed as a Casual Labourer within the meaning of Rule 200(A) IREM Vol. II, but he as a Buffalo Cart Driver was specifically engaged along with his buffalo cart for a specified period from 8.2.85 to 30.11.86 to dispose off right soil and rubbish to an isolated place at the rate of Rs-23.50 per day at Bhiwani Railway Station against sanctioned TLA and upon expiry of that sanction applicant automatically stood discharged, and he has therefore no right to claim inclusion in the LCL Register in terms of Circular dated 25.4.86 (Ann-A-3).

6. Shri Shama contended that Rs.23.50 per day was the ^{prevailing} ~~permanently~~ wages rate for casual labourers, and these very defences had been taken by respondents when applicant had filed O.A.No.3076/91 upon which after hearing both parties the Bench had directed respondents to consider including applicant in LCL Register from which it must be held that these defences were over ruled and were no longer available to respondents.

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7. I have considered the matter carefully. The direction to respondents by order dated 2.12.96 was to consider applicant's case for inclusion in the LCL Register, and if respondents after consideration have rejected applicant's claim vide impugned order dated 17.12.97, it cannot be said that the impugned order is illegal, irregular, improper or or infirm in the background of the contents of Rule 2001 IREM vbl. II. Note 1 to that rule groups the various types of work for which casual labourers may be engaged, and the engagement of a buffalo cart driver such as applicant along with his cart for disposal of right soil and rubbish does not come within that definition.

8. In the result the OA warrants no interference. During hearing applicant's counsel stated that applicant would be content with working even as Safaiwala. If and when respondents are engaging Safaiwala, it would be open to applicant to apply for the same, and on receipt of his application respondents should dispose it of in accordance with rules and instructions.

9. The OA is disposed of in terms of para 8 above. No costs.

Arif Aliqai
(S. R. ADIGE)
VICE CHAIRMAN (A).

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