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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-451/98

New Delhi this the 7th day of May, 1999.

Hon'ble Shri S.P. Biswas, Member(A)

Shri Bir Singh,
S/o Sh. Sheo Nath,
Gautam Hardware, Mehroli Road,
Raj Nagar-I,
New Delhi-45.

.... Applicant

(through Sh. Yogesh Sharma, advocate)

versus

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divl. Railway Manager,
Northern Railway,
Bikaner.
3. The Assistant Engineer,
Northern Railway Station,
Rewari(Haryana).

.... Respondents

(through Sh. P.S. Mahendru, advocate)

ORDER

The applicant is aggrieved by inaction of the respondents in not considering his case for including his name in the live casual labour register for the purpose of engaging him subsequently under the respondents in preference to juniors and freshers. Consequently, the applicant seeks relief in terms of issuing direction to the respondents to consider his case for regularisation after granting the benefits of the judgement in OA-1821/96 decided on 30.6.97 by a Bench of this Tribunal. The applicant has also sought

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relief in terms of directing the respondents in providing appropriate seniority to him in the live casual labour register.

2. Heard the learned counsel for both parties.

3. The applicant claims that he was initially engaged as casual labour in 1983-84 alongwith 100 such employees in PW1 Charkhi Dadri/DRM Bikaner of Northern Railway. All those employees were disengaged after January 1985 and following that some of them agitated their grievances by filing OA No.2762/92 decided on 10.12.94. The Tribunal in the aforesaid O.A. directed the respondents to dispose of the representations of the applicants therein under the parameters of law within a period of three months. Thereafter, applicants who had worked under the same PW1 Charkhi Dadri approached this Tribunal in a series of original applications as mentioned herein:-

OA-1821/96 decided on 30.6.1997

OA-167/97 decided on 24.1.97

OA-1606/97 decided on 29.5.98

In all the cases the objections raised by the respondents related to the fact that the applicants left the services of the respondents at their own and that would disentitle them to seek benefits as has now been prayed for. The respondents have also come up with the objection in terms of the applications having been

barred by limitation. All these issues stand examined in OA-1821/96 decided on 30.6.97 as well as in OA-167/97 decided on 24.1.97.

4. The learned counsel for the respondents Shri Mahendru took me to the details of instructions issued by the Railway Board as at A-4. He drew my attention particularly to paras 6 & 7 of the said circular and urged that the instructions therein have not been brought to the notice of the Tribunal when the OAs, as aforesaid, were decided. There was specific mention that the casual labourers who had worked for a short duration like for a week or a few days in emergencies or for restoration of breaches etc. have to be considered in terms of the instructions of the Railway Board dated 10.12.84 and that such labourers will not be issued any casual labour card and shall not be retained on the casual labour registers.

5. I have since gone through the pleadings and perused the records and find that in two OAs, namely, 1821/96 & 167/97, the details of the Northern Railway Circular dated 28.8.87 were examined in detail.

6. In view of the above, the O.A. is allowed with the direction that the respondents shall include the name of the applicant in the live casual labour register, ^{if he is eligible} and consider him for re-engagement _{hence}

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against future vacancies in preference to juniors and out siders keeing in view of instructions of the Railway Board's own circular dated 28.8.87.

There shall be no order as to costs.


(S.P. Biswas)

Member(A)

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