

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
O.A.No.710/95

Hon'ble Shri A.V.Haridasan, Vice-chairman(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 21st day of August, 1995

Shri Rishi Ram
House No.D-14
Sidhartha Basthi
Delhi - 110 014. ... Applicant
(By Ms. Raman Oberoi, Advocate)

Versus

1. Union of India through
The General Manager
Northern Railway, Baroda House
New Delhi.
2. The Divisional Railway Manager
Northern Railway, Moradabad.
3. Assistant Engineer
Northern Railway, Hapur, Moradabad
4. Inspector of Works
Northern Railway, Gajrola
Distt. Moradabad. ... Respondents
(By Shri H.K.Gangwani, Advocate)

ORDER(Oral)

Hon'ble Shri A.V.Haridasan, Vice-chairman(J)

The applicant had worked as a Casual Labour under the respondents, particularly under the fourth respondent, for a total period of 1,224 days from 1.5.1979 to 31.7.1983. He is aggrieved by the fact that the Railway Administration is not engaging him, even though the work is available, and even though persons with lesser service than him have not only been re-engaged but also been regularised in service. The applicant claims that his representation in this regard did not give even any response and therefore, he is constrained to approach this Tribunal for a direction to the respondents to reengage him and regularise him in service.

2. The applicant has placed his reliance on a circular letter issued by the Railway Headquarters (Northern Railway) on 14.8.1987, according to which, the Divisional Heads are obliged to continue the Casual Labourers retrenched after

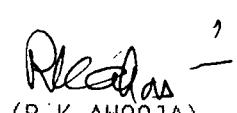
1.1.81 in the live Casual Labour Register indefinitely.

3. Respondents admit that the applicant has performed casual service for 1,224 days during the period as mentioned in the application but contends that as the applicant has left on his own without any intimation as his whereabouts is not available, his claim based on appointment of ten juniors of him as per the directions of the Tribunal, is not sustainable. They has also raised objection on the point of limitation.

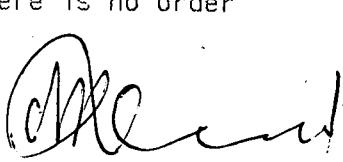
4. As the pleadings in this case are complete and the matter involved is simple, and pertains to the reengagement and regularisation of a Casual Labour, we propose to dispose of the case in the admission stage itself.

5. No records have been produced to show that the applicant has been called upon to resume duty. However, counsels on either side fairly agreed that the application can be disposed of with a direction to the respondents to incorporate the applicant's name at proper place in the Live Casual Labour Register and to reengage the applicant subject to availability of work in preference to those juniors to him.

6. In the light of the above submission, we dispose of this application and direct the respondents to incorporate the name of the applicant at appropriate place in the Live Casual Labour Register and to reengage him in preference to the persons with less length of service as and when the work is available and to consider his regularisation in service in accordance with the rules and in his turn. There is no order as to costs.


(R.K. AHOOJA)
MEMBER(A)

/RAO/


(A.V. HARIDASAN)
VICE-CHAIRMAN(J)