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Central Administrative Tribunal, Principal Bench

O.A.No.1133/96

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 21st day of October, 1997

Shri Jai Chand
s/o Shri Banwari Lal
Ex. Khalasi
Under Deputy Controller of Stores
Central Railway
Jhansi.
r/o H.No.U-522
Mangol Puri
New Delhi. ... Applicant
(By Shri B.S.Mainee, Advocate)

Vs.

Union of India through

1. The General Manager
Central Railway
Bombay VT.
2. The Divisional Railway Manager
Central Railway
Jhansi.
3. The Deputy Controller of Stores
Central Railway
Jhansi. ... Respondents

(By Shri H.K.Gangwani, Advocate)

O R D E R (Oral)

The applicant claims that he was engaged with the respondents for various intermediate periods from 23.2.1982 till 15.7.1984. He was also called for interview for recruitment to a 'D' category (Class IV) post vide letter dated 22.4.1982. He also submits that having passed the viva-voce test he was not given the regular post in Group 'D' category. He filed a representation on 15.10.1992 but no reply thereof has been given. He also claims that the benefit of the Railway Board's Circular dated 28.8.1987, Annexure A5 for retention of his name on the Live Casual Labour Register and thereafter to be offered re-engagement in accordance with his seniority.

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2. The respondents in reply have raised a preliminary objection on the ground that the applicant has sought multiple reliefs, one regarding his seniority as Casual Labour and the other in regard to selection procedure to fill the vacancy of temporary Khalasis of Group 'D' service they say that after the screening test only 10 casual labourers were empanelled and all of them were senior to the applicant. An application for condonation of delay has also been filed by the applicant which has been objected to by the respondents.

3. I have heard the counsel on both sides. In so far as the case of the applicant regarding the screening test for absorption as Group 'D' employee is concerned, I find no merit therein. The respondents have contended that after the screening test only 10 persons were empanelled and they are all senior to the applicant. The applicant has a right for consideration but no automatic right for appointment. Since the applicant has not been found suitable for empanelment after due consideration, he can have no legitimate grievance.

4. The other relief sought by the applicant is that he should be considered for appointment in accordance with his seniority as Casual Labour. In accordance with the Scheme, Annexure A5 those casual labourers who were discharged after 1.1.1981 on completion of the work are entitled to have their names included in the Live Casual Labour Register. There is no contention by the respondents that the applicant had left the job on his own accord. Therefore, it was the duty of the respondents to retain the name of the applicant in the Live Casual Labour Register and to consider him for re-engagement in accordance with his seniority.

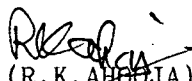
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5. Since the claim of the applicant for having worked with the respondents for various periods is not denied the OA is disposed of with a direction that the name of the applicant will be included in the Live Casual Labour Register on the basis of the work rendered by him. Thereafter, he will be considered for re-engagement in accordance with his seniority in the said Register.

The OA is disposed of as above. No costs.


(R.K. ANCOJA)
MEMBER(A)

/rao/