

Central Administrative Tribunal, Principal Bench

O.A.No.1328/96

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

New Delhi, this 23rd day of May, 1997

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Shri. Kanta Prasad
Ex. Gangman
Under Permanent-Way Inspector
Aligarh.
House No.19/54
Jyotshi Khyali Ram Wali Gali
Aligarh(U.P.). ... Applicant

(By Shri B.S.Mainee, Advocate)

Vs.

Union of India
through
The General Manager
Northern Railway
Baroda House
New Delhi. ... Respondent

(By Shri B.S.Jain, Advocate)

O R D E R

The applicant claims that he worked as Casual Labour under PWI, Northern Railway, Aligarh from 5.3.1981 to 5.4.1983 for a total number of 393 days. He has annexed a photocopy of his Casual Labour Card at Annexure A-1 by way of proof. He submits that in terms of Railway Board's Circular No.E(NG)II/CL 20 dated 25.4.1986 circulated by the General Manager, Northern Railway vide his letter dated 28.8.1987 it had been decided that name of such Casual Labour who were discharged at any time after 1.1.1981 on completion of work or for want of further productive work, should continue to be borne on the Live Casual Labour Register. A copy of the circular letter is at Annexure A2. Applicant's grievance is that though he made a number of representations for inclusion of his name on the Live Casual Labour Register, and for his re-engagement in terms of seniority, the respondents have not afforded any relief. He has now approached the Tribunal for a direction to have his included name in the

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Live Casual Labour Register and his further engagement as Casual Labour. The respondents deny that the applicant had worked for the periods he claims though they indirectly admit that he had worked for some period with them and state that he left the service of the Railways on his own accord in 1983 and he therefore is not covered by the 1987 instructions. 10

2. I have heard the counsel on both sides. Shri B.S.Maine, learned counsel for the applicant relies on various judgements of this Tribunal and in particular Net Ram Vs. Union of India & others (OA No.2441/91) and Ratan Kumar Vs. Union of India & Others (OA No.2308/91) in which a direction was given, in similar facts, to consider the representations of the applicants to have their names placed on the Live Casual Labour Register. The learned counsel for the respondents, however, relies on Ratam Chandra Sammanta and Others Vs. Union of India & Others (JT 1993(3) SC 418) and the decision of the Tribunal in OA No.226/96, Raj Kumar Vs. Union of India & Others wherein the applicants prayers were dismissed on the ground of laches and limitation. Shri B.S.Jain, learned counsel for the respondents contends that here also applicant himself states that he had been disengaged in 1984, he has approached this Tribunal after a gap of 12 years in 1996 and he has thus lost any right, even if he had one, for his re-engagement.


3. I have considered the contentions of both the counsel. In Ratam Chandra Sammanta and Others (supra) the Supreme Court considered the plea of Casual Labourers who were retrenched between 1975 to 1978. The present case is of disengagement after 1983 which is covered by Net

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Ram's and Ratan Kumar's (supra) cases and the specific instructions of the Railway Board complied in their Circular dated 28.8.1987. The learned counsel for the respondents also submits that the applicant is not entitled to any relief since he left the employment on his own accord. However, he is unable to show that any notice was issued to the applicant by the respondents.

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4. In the facts and circumstances of the case and following Net Ram (supra), this OA is disposed of with a direction to the respondents to consider applicant's case and include his name in the Live Casual Labour Register if he is eligible for such inclusion in terms of the Railway Board's Circular dated 28.8.1987. The applicant shall also be given engagement as Casual Labour as and when need arises in accordance with rules and his seniority. No costs.


(R.K. AHUJA)
MEMBER (A)

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