

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 2368/96

New Delhi this the 24th day of March 2000

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member (A)

Shri Rajinder Kumar
S/o Shri Kailash Giri
Casual Labour Khallasi
under I.O.W.
Northern Railway
Napur

...Applicant

(By Advocate: None)

Versus

Union of India: through

1. The General Manager
Northern Railway
Baroda House, New Delhi
2. The Divisional Railway Manager
Northern Railway, Moradabad.
3. The Divisional Engineer (H.Q.)
Northern Railway, Moradabad.

....Respondents

ORDER (Oral)

By Mr. Ashok Agarwal, Chairman

Applicant was engaged on casual basis with the respondent Railways. He worked as such for different periods between 15.4.82 & 30.4.86 which are indicated in the casual labour card at Annexure A-I. Applicant had earlier filed an OA being OA No. 2694/91. By an interim order passed on 20.11.91, following directions were issued:-

" In the meanwhile the respondents were directed to consider engaging the applicant as a casual labour if any vacancy is available in preference to his juniors and outsiders".



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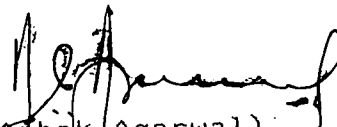
2. Based on the aforesaid directions, applicant had ~~to be~~ ^{been} re-engaged w.e.f. 14.9.92. A show cause notice dated 1.7.96 was thereafter served on the applicant (Annexure A-3) whereby ^{it was pointed out that} he was erroneously re-engaged ignoring the persons senior to him which was against law and against the directions issued by the Tribunal in the aforesaid order dated 20.11.91. ^{The} ~~A show~~ cause notice ~~thereupon~~ informed the applicant that the mistake committed was sought to be rectified by discharging him. He ~~has~~ ^{been} thereupon informed that he will be called for re-engagement in his turn as per his seniority.


3. Applicant vide his reply dated 11.7.96 ^{showed cause} ~~said~~ that against the aforesaid show cause notice, By an order passed on 7.10.96 he has been discharged from service. A copy of the aforesaid impugned order of 7.10.96 is not to be found in the proceedings. Present OA is filed on 31.10.96 and was admitted on 6.11.96. An interim direction was issued that if applicant was still in service his services would not be terminated until further orders.

4. After counter was filed, several adjournments were granted to the applicant to file his rejoinder. Time was granted by orders passed on 15.4.97, 19.5.97 & 9.7.97. Since no rejoinder was filed, by an order passed on 1.8.97, a direction was issued to treat the pleadings as complete.



5. In our judgment, there is no merit in the present OA. All that has been done by the impugned order is to rectify an error of re-engagement of the applicant which has been done out of his turn. The order of re-engagement of the applicant out of his turn ^{thereby} deprived his seniors of ^{their right of} re-engagement. Applicant has been assured that he will be re-engaged when his turn comes on the basis of his seniority. No interference is, therefore, called for in the present OA. The same is accordingly dismissed with no order as to costs.


(Ashok Agarwal)
Chairman


(V.K. Majotra)
Member (A)