

Central Administrative Tribunal
Principal Bench: New Delhi

OA 2481/96

New Delhi this the first day of December 1997.

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

Shri Than Singh
S/o Shri Babu Lal
Ex. Casual Labour
Under Permanent Way Inspector
Northern Railway
Hathras Jnc.
R/o Village Nagla Sekha
P.O.Nagriyapati Daveri
Dist. Aligarh (U.P.) ...Applicant.

(By advocate: Mr B.S.Mainee)

Versus

Union of India through

1. General Manager
Northern Railway
Baroda House
New Delhi
2. The Divisional Railway Manager
Northern Railway
Allahabad
3. The Permanent Way Inspector
Northern Railway
Hathras Jnc. ...Respondents.

(By advocate: Mr D.S.Mahendru)

O R D E R (oral)

By Mr R.K.Ahooja, Member (A)

The applicant claims to have been engaged as casual labourer under P.W.I, Northern Railway, Hathras for various periods upto 12.3.1981, putting in a total number of 903 days. He has come before this Tribunal seeking a direction to the respondents to re-engage him after placing his name on the Live Casual Labour Register in accordance with his seniority.

2. Respondents in their reply have stated that the name of the applicant exists on the Live Casual Labour Register though they do not admit the number of days the applicant claims to have worked as casual labourer. The respondents have

also stated that nobody junior to the applicant in the Live Casual Labour Register has been engaged.

3. I have heard learned counsel on both sides. Sh. D.S.Mahendru, learned counsel for the respondents has raised a preliminary objection that the OA is barred by limitation. This is not the correct position since, according to the Scheme formulated by the respondents (Annexure A-2), respondents themselves are required to enter the names of casual labourers who were discharged after 1.1.1981 in the casual labour register and to offer re-engagement as and when work is available. Since the respondents themselves agree that the name of the applicant exists on the Live Casual Labour Register, the only dispute that remains is the number of days which the applicant has put in and the exact place on the Live Register given to the applicant. The applicant had also given a representation (Annexure A-3) though this does not contain full details of the engagement as casual labourer.

4. I dispose of this OA with following directions:

Applicant may give a detailed representation to the respondents alongwith correct details of his engagement for the periods claimed by the applicant recorded as correct in the Live Register and if his claim is found to be true, the respondents shall offer him re-engagement in accordance with the Scheme since they admit that his name already exists on the Live Casual Labour Register.

R.K.Ahooja
(R.K.Ahooja)
Member (A)

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