

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 2673 of 1996

New Delhi, this the 2nd day of February, 1998

Hon'ble Mr. N. Sahu, Member(Admnv)

Rajender Singh, Age 37 years, S/o Shri Ishwara Singh, Ex-casual Labourer under Chief Signal Inspector, Lalitpur, Jhansi Division, Central Railway, R/o 3/12, Sanjay Labour Colony, Malviya Nagar, New Delhi -17

- APPLICANT

(By Advocate Shri K.N.R.Pillai).

Versus

1. Union of India through the Secretary Ministry of Railways (Railway Board), New Delhi.

2. The Divisional Railway Manager (P), Central Railway, Jhansi

-RESPONDENTS

(By Advocate Shri B.S.Jain)

O R D E R (O R A L)

By Mr. N. Sahu, Member(Admnv) -

In this Original Application the relief claimed is for a direction to have the applicant screened for absorption in Group D service and if found suitable to introduce his name in the appropriate place in the casual labour register. A further direction is sought to reengage him against future requirement of casual Khalasi based on his total length of casual service.

2. The undisputed facts are that the applicant joined as a casual Khalasi on 19.12.1977 at Jhansi Division. As per the statement at page 3 of the O.A. he had put in 1196 days of casual service from 1977 to 1989. The grievance of the applicant is

that after he was discharged on 18.7.1989 he was not reengaged. He was entitled to be screened along with others in 1993-94. The Senior DPO recorded that as the applicant was not in current service at that time his name would not be shown in the list of Khalasi eligible for screening. Two other Khalasis were similarly omitted. One of them has taken up the matter before this Court in OA 1459/94, **Shri Manohar Lal Vs. Union of India & others.** This was disposed of by an order of a Division Bench dated 8.3.1995. The order of the respondents refusing to include the name of the applicant in this screening test panel of casual labourers has been quashed and a direction was given to screen the applicant again and on the basis of the assessment made at the said screening the applicant shall be empanelled and given all consequential benefits and privileges according to the rules.

3. The learned counsel for the applicant seeks a similar relief. He says that the order of the Sr. DPO is contrary to Para 2006 of the Indian Railway Establishment Manual, Volume -II. He refers to the Railway Board's instructions contained in the Master Circular dated 30.6.1992 on casual labourers, an extract of which is extracted below -

Live Register - The names of all Open Line Casual Labour employed in a unit should be entered in a Register, the entry being made strictly in the order of initial engagement.

The Live Register will be a running record of Casual Labour working in the particular unit and also of those discharged Casual Labour waiting for engagement.

Absorption - In drawing up the list of Casual Labour eligible to be considered for screening, those borne on the Casual Labour Register should be considered in the order of seniority based on total service-cumulative aggregate service.

4. In view of the above and after going through the pleadings on record, I direct that the applicant's name shall be entered at the appropriate place in the live casual labour register considering the number of days of service he had put in during the years 1977 to 1989 and his serial number in the said casual labour register shall be intimated to him within four weeks from the date of receipt of a copy of this order. Once his name is entered in the casual labour register, he shall be considered for reengagement as a casual labour in preference to all juniors and outsiders. He shall also be considered for screening in the order of seniority. He shall be informed within six weeks from the date of receipt of a copy of this order as to when he shall be screened. The O.A. is accordingly disposed of. No costs.

Chauhan
(N. Sahu)
Member (Admnv).

rkv.