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Central Administrative Tribunal, Principal Bench

O.A.No.52/96

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

New Delhi, this 1st day of April, 1997

Nanku  
aged 36 years  
s/o Maharaj Din  
Ex-Casual Labourer  
under Chief Telecom Inspector  
Central Railway  
Oran, Jhansi Division

r/o 3/12, Sanjay Labour Colony  
Malviya Nagar  
New Delhi.

... Applicant

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

Vs.

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

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

.... Respondents

(By Shri D.S.Mahendru, proxy of Shri P.S.Mahendru, Advocate)

O R D E R(Oral)

The applicant is aggrieved that though he had worked for various periods between 1977-1988, the respondents did not confer temporary status in accordance with the scheme and they also did not screen him for regularisation as per the instructions of the Railway Board. The respondents on the other hand state that since the applicant had not worked for 120 days in one year, he could not be considered for grant of temporary status and further more, he could be only considered for screening for regularisation in accordance with his seniority and availability of the posts.

2. I have heard the learned counsel on both sides. The learned for the applicant does not press relief 8(ii) that the applicant be treated as having attained temporary status. He however, points out that the respondents had not done screening

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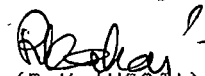
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for regularisation only on the ground that at the particular point of time the applicant was not in employment with them. In this connection, he relies on the orders of this Tribunal in OA No.1459/94 (Shri Manohar Lal Vs. Union of India & Others) decided on 8.3.1995, wherein, directions were given to the respondents to consider the applicant's candidature even though the applicant was not in an employment on that date.

3. Shri. D.S.Mahendru, learned proxy counsel for the respondents submits that applicant has not been considered for screening on account of non-availability of work and for that reason neither the applicant nor his juniors have been considered.

4. I have considered the matter and also gone through the judgment of this Tribunal in OA No.1459/94. The respondents say <sup>though record of</sup> that some part of the casual service rendered by the applicant <sup>is</sup> not available, nevertheless, he has been issued casual labour card and he has been given seniority in accordance with the details of employment available <sup>therein</sup> with them. The respondents also state that they are ready to consider his name for screening test for empanelment in accordance with the provisions of the scheme subject to availability of work which should be considered in accordance with the relevant Rules.

5. In view of the above position, the OA is disposed of with a direction to the respondents to consider the applicant for screening for empanelment for absorption in accordance with the seniority in the Live Casual Labour Register. However, the applicant's candidature will not be ignored on the ground that he was not in the employment on the date of screening. No costs.

  
(R.K. AHOOJA)  
MEMBER (A)

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