

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No. 771/96

&  
O.A. No. 1893/96

4th June 1998

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

O.A. No. 771/96

1. Lachhman Raut,  
S/o Shri Rajbans Raut
2. Satya Narayan  
S/o Shri Bishan
3. Magendra,  
S/o Shri Mathura Raut
4. Akloo Rawat  
R/o Shri Swat Rawat
5. Ram Narain  
S/o Shri Bhukhal
6. Mohan Thakur,  
S/o Shri Promeshwar Thakur
7. Joginder Thakur,  
S/o Shri Sankar Thakur
8. Bihar,  
S/o Shri Ram Nandan
9. Kedar Parshad,  
S/o Shri Sita Ram Parsad
10. Jagan Nath  
S/o Shri Barloo
11. Haqinque  
S/o Shri Mozdim
12. Goo Lal,  
S/o Shri Ugar Sah
13. Ram Chatri  
S/o Shri Lakhan
14. Jhagan Sah,  
S/o Shri Sugvir Sah
15. Rehmat  
S/o Shri Ibhrim
16. Parshad  
S/o Shri Rudal
17. Munib Shah  
S/o Shri Jagdev Shah
18. Madan  
S/o Shri Abdul

Lisc  
or

or

19. Sheo Narayan  
S/o Shri Raghumi Mehta
20. Maksood  
S/o Shri Ismahomad
21. Wakil  
S/o Shri Hadish
22. Kalam  
S/o Shri Habib
23. Lajim  
S/o Shri Gaffoor
24. Mustafa  
S/o Shri Hadish
25. Sukai Sah  
S/o Shri Maheth Shah
26. Khalil  
S/o Shri Noor Hassan
27. Abbash  
S/o Shri Ishlam
28. Brij Mohan Shah  
S/o Shri Hari Kushme Shah
29. Bhuteli Raut  
S/o Shri Bigh Raut
30. Wahed,  
S/o Shri Medoo Mia
31. Ambica  
S/o Shri Sarjoog
32. Ram Narayan Mehto  
S/o Shri Bhusa Mehto
33. Shiv Balak  
S/o Shri Chanara Deo
34. Kashi Singh  
S/o Shri Mahendra Singh
35. Abdul Samed  
S/o Shri Rahim Miya
36. Kailash  
S/o Shri Raghunandan
37. Bimal  
S/o Shri Gorakh
38. Ramswaroop Giri  
S/o Shri Jagan Nath Giri
39. Satya Deo Thakum  
S/o Shri S.D. Thakur

40. Bharat Pandit  
S/o Shri Narayan Pandit
41. Kabir  
S/o Shri Gefoor
42. Aawadh Narayan  
S/o Shri Sukkdev
43. Acchey Mehto  
S/o Shri Shri Dayal
44. Khub Lal Thakur  
S/o Shri Jodha Thakur
45. Brij Mohan Singh  
S/o Shri Jamuna Singh
46. Hanif  
S/o Shri Mazid
47. Nagiindra Raukt  
S/o Shri Algo Raut
48. Yogi Raut  
S/o Shri Jukit Raut
49. Manif Khan  
S/o Shri Abduk Khan
50. Abdul Latif Ansari  
S/o Shri Karim Ansari
51. RamAyodhya Mehto  
S/o Shri Bipat Mehta
52. Bikarma  
S/o Shri Mukh Lal
53. Sukat  
S/o Shri Deljan Miya
54. Shamboo  
S/o Shri Pawari
55. AliMahamed  
S/o Shri Alijan Mian
56. Khushmahamad  
S/o Shri Sukat
56. Shambu Raut  
S/o Shri Ram RathuNath
58. Wahid  
S/o ShriFida Miya
59. Mustafa  
S/o Shri Dhauksi
60. Fajullah  
S/o Shri Wokel

61. Surender Singh  
S/o Shri Ram Lagan Singh
62. Jahir Miya  
S/o Shri Sia Juddin Miya
63. Rayid  
S/o Shri Adalat
64. Jainu Deen  
S/o Shri Thithar
65. Aziz Miya  
S/o Shri Jhkoio Miya
66. Shri Kishore Kumar  
S/o Shri Ramdev Parsad
67. Bilasi Mehto  
S/o Shri Charitar Mehto
68. Ramadhar  
S/o Shri Kukldip
69. Ram Sewak Rai  
S/o Shri Mangal Rai
70. Maharaj Singh  
S/o Shri Kailash Singh
71. Asarfi Shah  
S/o Shri Ujgar Sah

(Shri B.S. Mainee)

Petitioner

-Versus-

1. The Secretary,  
Ministry of Railways,  
Rail Bhawan,  
New Delhi
2. The General Manager,  
North Eastern Railway,  
Gorakhpur.
3. The Divisional Railway Manager,  
North Eastern Railway  
Samastipur.
4. The Permanent Way Inspector,  
North Eastern Railway,  
Raxaul,
5. The Permanent Way Inspector,  
North Eastern Railway,  
Narkatiaganj.

(Shri P.S. Mahendru)

Respondents

O.A. No. 1893/96

*or*

1. Gajadhar Jha  
S/o Shri Surjug Jha
2. Ganesh  
S/o Shri Sonelal
3. Ram Akwal Rao,  
S/o Shri Bilash
4. Bhagrith Rai  
S/o Ram Atar Rai
5. Madho  
S/o Shri Bhajan
6. Bisemdeo  
S/o Chulhai
7. Kapilprit  
S/o Shri Ganesh Prit
8. Ramlakhn  
S/o Shri Nank
9. Mahindra Sah  
S/o Shri Jimodhar Sah
10. Ram Dhar  
S/o Shri Kamal
11. Ramadhar  
S/o Shri Mojhi
12. Bhola  
S/o Shri Suraj
13. Chandirka  
S/o Shri Sukhal
14. Rajdeo  
S/o Shri Budhan
15. Ram Shankar  
S/o Shri Ganesh
16. Lotan  
S/o Shri Bahadur
17. Hari Kant  
S/o Shri Sudish
18. Shita Ram  
S/o Shri Ramolea
19. Mahendra Rai  
S/o Shri Methur Rai
20. Gonur  
S/o Shri Punkali
21. Jawahar  
S/o Shri JMagdish



22. Sahdeo  
S/o Birju
23. Shrinarayan  
S/o Shri Bhuta
24. Ram Ashish  
S/o Shri Kuldip
25. Bhagelu Rai  
S/o Shri Shankar Rai
26. Biguraut  
S/o Shri Shankar Rai
27. Hut Sah  
S/o Shri Munshi Sah
28. Achhelal  
S/o Shri Rasham
29. Mahindra DAS  
S/o JagdishDas
30. Kishundeo  
S/o Shri Thaga
31. Banka Raut  
S/o Shio Raut
32. Khalilmia  
S/o Aminmai
33. Badnath  
S/o Shri Mohan
34. Mahesh  
S/o Shri Teni
35. Famuna  
S/o Rekha Sah
36. Babulal  
S/o Shri Nathuni Sah
37. Bindhyachal  
S/o Sakhichand
38. Anandgiri  
S/o Mangal
39. Abdul Majid  
S/o Shri M. Ajeej
40. Jagdish Rai  
S/o Shri Jank Rai
41. Bijay Narayan Pande  
S/o Shri Indrashan Pandi
42. Subhammia  
S/o Mutumia

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43. Ram Kishoir Sah  
S/o Ram Lakhan Sah
44. Jawahar Rap  
S/o Shri Kishan Deo
45. Shib Charan Rai  
S/o Bhade Rai
46. Bhikhar Rai  
S/o Shri Debi Rai
47. Gudar Prit  
S/o Shri RAGhunath Prit
48. Ramrup Rai  
S/o Shri Kalpat Rai
49. Ramjee Das  
S/o ShriLaxmanDas
50. Ram Atar Rai  
S/o Raje Ram
51. Dineshwar Rai,  
S/o Shri Gayanchand Rai
52. Parama Nand  
S/o Shri Bhola
53. Fulena Sah,  
S/o Shri Bire NanSah
54. Chandeo Sah  
S/o Shri GukliSah
55. Imradeo Raut  
S/o Shri Itshu Raut
56. Usim  
S/o Shri Jaleshwar
57. Bharath Rai  
S/o Shri Lakhan Rai
58. Birbahadur  
S/o Shri Jaymangal Das
59. Rup Narayan  
S/o Shri Gajadhar
60. Ram Chander Mahto  
S/o Shri Shankar
61. Hira Lal  
S/o Shri Chuklhai
- (Shri B.S. Mainee)

Petitioner

-Versus-

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1. The Secretary,  
Ministry of Railways,  
Rail Bhawan,  
New Delhi.
2. The General Manager,  
North Eastern Railway,  
Gorakhpur.
3. The Permanent Way Inspector,  
North Eastern Railway,  
Narkatia Ganj,

Respondents

(By Shri P.S. Mahendra)

## ORDER

The facts and circumstances in both the OAs being the same, they are being disposed of by this common order. The applicant in both the OAs claim that they worked for the respondents in both the OAs on the basis of which they are entitled to the grant of temporary status and further that, the respondents having reengaged some of their juniors, they are also entitled to re-engagement and consideration for regularisation.

2. The respondents in their reply have disputed the particulars regarding the precise number of days of service put in by the various applicants. They have in their reply produced their own chart depicting the number of days engagement by each of the applicants. They however admit that all the applicants were dis-engaged on the completion of that work. Accordingly their names have been entered on the live casual labour register and according to the respondents all the applicants will be given re-engagement on the basis of their seniority subject to availability of work. They



also submit that no one junior to them has been engaged except those who were directed to be so engaged by the order of this Tribunal in OA 2929/92. (34)

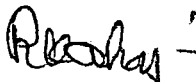
3. I have heard the counsel. Shri B.S. Mainee, learned counsel for the applicant, in both the cases has vehemently argued that when a junior is given the benefit even in term of a Court order, the seniors have also to be considered. Thus if the respondents have employed and re-engaged the juniors of the applicant on the basis of the Court orders they have to extend the same consideration to the applicants.

4. I have carefully considered this argument. While the point made by Shri B.S. Mainee would be relevant in the case of promotions and appointments to regular posts, it cannot automatically be made applicable in the case of casual labourers. One important and indispensable condition of re-engagement is that work should be available with the respondents. The respondents have stated that immediate re-engagement of the applicant is not possible due to lack of work. That being so no direction can be given to them to engage casual labourers. The applicants can be considered only when work is available. As the respondents state and the applicants do not deny, there are a large number of casual labourers whose names are higher up to the applicant in the casual labour register but they are not before me. Therefore no direction can be given that the applicants should be re-engaged in preference to their seniors in the

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live casual labour register. In so far the dispute regarding the number of days put in by each applicant is concerned, it cannot be gone into by the Tribunal. The applicant have a certain place in the live casual labour register since 1987. They have not disputed that position till they filed this OA in 1996. Even otherwise therefore this plea in the application is time barred.

5. In the result both OAs are dismissed. There will be no order as to costs.

  
(R.K. Ahuja)  
Member (A)

\*Mittal\*