

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
New Delhi: Dated this the 7th day of December, 1998

Hon'ble MR. S. R. ADIGE, VICE CHAIRMAN (A).

1) O.A. No. 444/1998

1. Anil Kumar S/o Shri Babu Lal,

2. Roshan Lal S/o Shri Pholo Ram,

R/o C-24, Gali No. 1, Kajuri Khas,
Delhi-94.

.... Applicants.

Versus

Union of India through
General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The Divisional Railway Manager,
Northern Railway,
Delhi Division,
near New Delhi Rly. Station,
New Delhi.

..... Respondents.

2) O.A. No. 1558/97

1. Raj Kumar S/o Shri Birsala,

2. Jagdish S/o Shri Baktu.

3. Munshi Lal S/o Shri Ram Swarup,

4. Dharampal S/o Shri Dhirja Ram,

5. Jeewan Dass S/o Shri Hukum Ram,

6. Satbir S/o Shri Bhagwana,

R/o C-215, Laxmi park, Nangaloi,

New Delhi.

..... Applicants.

Versus

1. Union of India
through

The General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The Divisional Railway Manager,
Northern Railway, Bikaner Division,
Bikaner (Raj)

..... Respondents.

Shri Yogesh Sharma for applicants.
Shri R.L. Dhawan for respondents.

ORDER

HON'BLE M.R. S. R. ADIGE VICE CHAIRMAN (A) :

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These two OAs involve common questions of law and fact and are being disposed of by this common order.

2. In both OAs applicants seek inclusion of their names in the LCL Register and engagement in preference to juniors and outsiders.
3. In OA No.444/98 applicants do not deny that they were engaged as casual labourers for 84 days and 68 days respectively in different working spells during 1982, 1983 and 1984. They claim that they were disengaged after completion of work, but this claim is not supported by any documents. They also claim to have represented for inclusion in the LCL Register in June, 1997 i.e. after 13 years of disengagement and upon getting no response have filed this OA in 1998.
4. Similarly in OA No.1558/97 applicants do not deny respondents' averments in their reply that they were engaged for short periods in broken spells between 1984 and 1989. They also claim that they were disengaged due to completion of work, but this claim too is not supported by any documents, and there is no specific denial to the averments of respondents that they were detailed for security patrolling and left service without any intimation to their senior subordinate Incharge.
5. Applicants represented in 1996 (Annexure-A/1) and filed this OA in 1997.

6. I have heard applicants' counsel Shri Sharma and respondents' counsel Shri Dhawan in both O.As.

7. Shri Sharma has asserted that applicants having been discharged after 1.1.81 are to be included in LCL Register on the basis of Railway Board's letter dated 11.9.86 and 22.8.87. It is contended that persons junior to applicants have been engaged by respondents giving them a cause of action. Reliance has been placed on various rulings including O.A. No. 1797/94 Raghuraj Singh Vs. UOI; O.A. No. 1821 Bharat Singh Vs. UOI; O.A. No. 292/97 Sube Singh & Ors. Vs. UOI & Ors.; O.A. No. 867/95 Vijay Singh & Ors. Vs. UOI; O.A. No. 2441/91 Net Ram & Ors. Vs. UOI & Ors. O.A. No. 2702/92 Girdhari & Ors. UOI & Ors.; O.A. No. 1236/91 Ram Niwas Sharma Vs. UOI & Ors.

8. These contentions are challenged by respondents' counsel Shri Dhawan who has also relied upon a number of rulings.

9. I have considered the matter carefully.

10. Under Rule 179 (xiii) IREM Vol. I 1989 Edition a casual labourer has to put in at least 180 days of service (even in broken periods) to qualify for placement in the LCL Register. This

Rule has primary over any executive instructions, and ^{as} applicants ⁱⁿ O.A. No. 444/98 do not have the aforesaid No. of days of service to their credit, their claim for inclusion in LCL Register cannot be accepted. ¹⁸ Similarly the number of days of service put in by applicants in O.A. No. 1558/97 as stated by respondents in their reply have not been expressly contraverted by respondents, and in the light of this aforesaid Rule, applicants No. 1, 3, 5 & 6 are ineligible for inclusion in the LCL Register.

11. That apart, as the last engagement of the applicants was in 1989 and there are no materials to show that they represented until a number of years had passed, it lends greater probability and evidence of respondents' contention that they left work of their own accord.

12. On these very grounds in O.A. No. 2012/96 Jaipal Vs. UOI & Ors. O.A. No. 727/96 Sube Singh Vs. UOI & Ors.; and O.A. No. 584/97 Dharambir Singh Vs. UOI & Ors. the claims of those applicants for inclusion in LCL Register and engagement were rejected and the O.As were dismissed. I see no reason to take a different view.

13. Both O.As are dismissed. No costs.

(S.R. Adige)
Vice Chairman (A)

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