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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

D.A.No.2404/1997

New Delhi: Dated: this the 27 day of November, 1998.
HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Sumer Singh,
S/o Shri Nand Lal,
Ex. Casual Labour under
P.W.I/Hisar,
R/o.

H.No.270, H.Block,
Sultapur,
Delhi

..... Applicant.

(By Advocate: Shri G. D. Bhandari)

Versus

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

2. Divisional Railway Manager,
Northern Railway,
Bikaner.

.... Respondents.

(By Advocate: Shri P. S. Mahendru).

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicant impugns respondents letter dated 18.10.95 (Annexure-A1) and seeks inclusion in LCL Register, reengagement and eventual regularisation.

2. While applicant claims he worked as a casual labourer in respondent department from 1.2.75 to 31.10.79 for a total of 528 days with artificial breaks, respondents contend that he worked from 19.5.78 till 30.10.79 for a total of 150 days with breaks. Be that as it may, applicant was out of work from end October, 1979.

3. Thereupon he filed D.A No. 3129/92 which was disposed of along with other D.As by common judgment dated 2.12.94 directing respondents to include

applicant's name in the LCL Register, if they were eligible for such inclusion (emphasis supplied) in terms of respondents' Circular dated 28.8.97 (Ann.-A1/A) and engage applicant as and when the need arose in accordance with their seniority in that register. In this connection applicants were required to submit representations along with proof in support of their claim that they were entitled to be included in the LCL Register.

4. Thereafter applicant filed C.P. No.197/95 alleging contumacious disobedience of the Tribunal's aforesaid directions. However, when the C.P came up for hearing applicants' counsel admitted that respondents had considered applicants' case for inclusion in the LCL Register, but had rejected the same. Accordingly the C.P was dismissed, giving liberty to applicant to agitate his grievance through appropriate original proceedings if he had any grievance in regard to respondents' decision.

5. Applicant has now filed this OA , aggrieved by respondents' aforesaid decision dated 18.10.95 rejecting his case for inclusion in the LCL Register on the ground that he had not submitted any representation to the concerned authorities for inclusion of his name in the LCL Register upto the extended date for submission of representation i.e. 31.1.88, nor had any evidence been furnished to support his claim that such a representation had been submitted within the period, and applicant had also not produced his original casual labour card before

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respondents for verification.

6. I have heard applicant's counsel Shri Bhandari and respondents' counsel Shri Mahendru. I have also perused the materials on record.

7. My attention has been drawn to applicant's representation dated 2.12.96 in which he has sought to refute the contents of the impugned order dated 18.10.95. I also notice that photocopies of representations said to have been made by applicant to the authorities dated 22.4.87 and 23.2.88 are on record together with photocopies of UPC's as also record of applicant's service as a casual labourers during the relevant period.

8. In the light of the above prima facie, there are materials to hold that applicant had approached the authorities for inclusion in the LCL Register within the extended period, unless of course it can be established that applicant had never actually forwarded these representations or that the aforesaid documents are false, fabricated and concocted.

9. In the result this OA is disposed of with a direction to respondents, with reference to their impugned order dated 18.10.95 to consider inclusion of applicant's name in the LCL Register with a view to his reengagement in his own turn, in the light of aforesaid documents filed by him and the contents of his representation dated 2.12.96, within 3 months from the date of receipt of a copy of this order. No costs.

Arif Ali
(S. R. ADIGE)
VICE CHAIRMAN (A).

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