

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No.2545/97

New Delhi this the 27th Day of August 1998

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

Shri Chhedi Lal,
Son of Shri Ram Sukh,
Ex. Temporary Gangman,
Under Permanent Way Inspector,
MTPR, Ghaziabad.

Residential Address.

Chhedi Lal,
BN-627/7 Rajvir Colony,
Koindli Village,
Delhi-110 092.

Applicant

(By Advocate: Shri G.D. Bhandari)

-Versus-

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

Respondents

(By Advocate: Ms. B. Sunita Rao)

ORDER

The applicant claims that he worked as a Safaiwala on daily wages under the Divisional Railway Manager, Northern Railway at Ghaziabad from 1.8.1981 to 22.12.1982 for a period of 525 days. He claims further that he was entitled to the grant of temporary status after-rendering 120 days engagement and also to have his name placed on the live casual labour register for further re-engagement. In 1987, a number of his juniors were considered and screened for appointment as substitute Cleaner but the applicant was ignored. Thereafter he got casual labour card verified in 1989. However, the applicant states that, he has not been informed of his seniority in the live casual labour

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register and he has also not been considered for regularisation in accordance with the announcement made by the Union Railway Minister in respect of casual labourer engaged on the railways. He has now come to the Tribunal seeking a declaration that the termination of his services in 1982 after deemed grant of temporary status was illegal, that his name may be deemed to have been placed on the live casual labour register from the due date and that a direction be issued to the respondents to consider him for regularisation from the due date in accordance with deemed seniority.

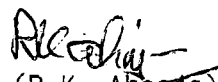
2. The respondents in reply have admitted that the applicant had worked for a total of 425 days during 1981-82 as verified from the Office record. They state that the applicant was working on Metro Transport Project which project has since been closed and therefore his name is not borne on the rolls of any Division. On that ground the respondents seek to controvert the claims made by the applicant.

3. I have heard the counsel on both sides. Shri G.D. Bhandari relies on the order of this Tribunal in O.A. No. 1398/97 delivered on 16.4.1998. In that case also in similar circumstances, the prayer for setting aside the alleged discharge was rejected on the grounds of limitation. However, the claim of the applicant for re-engagement in preference to juniors and outsiders was upheld.

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4. in the facts of the circumstances of the present case this OA is also disposed of with the direction that the respondents will include the name of the applicant in the live casual labour register on the basis of his verified service. In case the original office where he worked has been closed, he will be taken on the live casual labour register of the Delhi Division to which the Metro Transport Project was related. Thereafter the applicant will be re-engaged in accordance with his seniority and in preference to his juniors. Considering, however, that the applicant had approached this Tribunal only in October, 1997, it is made clear that he would have no preferential claim over those who have already been engaged or regularised prior to that date.

5. The respondents will implement the above directions within a period of two months from the date of receipt of a certified copy of this order.


(R.K. Ahuja)
Member (A)

Mittal