

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

O.A. No. 2748 of 1998 decided on 13.5.1999

Name of Applicant : Raj Kumar & others

By Advocate : Shri Yogesh Sharma

Versus

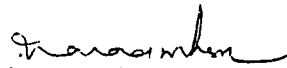
Name of respondent/s Union of India & another

By Advocate : Shri P.S. Mahendru

Corum:

Hon'ble Mr. N. Sahu, Member (Admnv)

1. To be referred to the reporter - Yes
2. Whether to be circulated to the other Benches of the Tribunal. - No


(N. Sahu)
Member (Admnv)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.2748 of 1997

New Delhi, this the 13th day of May, 1999

Hon'ble Mr. N. Sahu, Member(Admnv)

1. Raj Kumar s/o Sh. Phool singh, Railway Colony, Narwana Distt. Jind (Har).

2. Harnam s/o Sh. Raghbar, Railway Station Dhamsatan Shanti, Post Khas, Tesh. Narwana, Distt. Jind (Har).

3. Kashmiri Lal s/o Sh. Lakhi Ram, vill. Balana, Distt. Panipat (Har).

4. Subhash Chand s/o Sh. Balwant singh, 88/3, Gakal puri, Delhi.

- APPLICANTS

(By Advocate Shri Yogesh Sharma)

Versus

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

2. The Divisional Railway Manager, Northern Railway, Delhi Division, Near New Delhi Railway Station, New Delhi -RESPONDENTS

(By Advocate Shri P.S. Mahendru)

O R D E R

By Mr. N. Sahu, Member(Admnv)

In this Original Application the applicants seek a direction for their engagement in preference to juniors and fresher after including their names in the live casual labour register.

2. This is contested by the respondents on various grounds. Applicant no.1 was engaged for 5 days in 1987 and for 8 days in 1988 and his service in 1989 could not be verified. He was engaged thereafter as a seasonal waterman on the basis of a medical fitness certificate belonging to another person. This was detected and he was discharged. He

23

thereafter worked for 19 days as a casual labour in 1990. With regard to applicant no.2, genuineness of his working was doubted by the respondents and the applicants' counsel does not press his claim. With regard to applicant no.3, his service is only for 7 days and under PS No.9349 he has no case for reengagement. Applicant no.4 worked for 22 days only in 1989. The respondents contend that even for these short periods the applicants were engaged by unauthorized officers. Reliance is placed on PS No.11572 and it is submitted that casual labourers engaged after 3.1.1981 have no enforceable right for reengagement or for inclusion of their names in the live casual labour register. It is further stated that the existing instructions benefit only those who were engaged before 1.1.1981.

3. The learned counsel for the applicant claims that the Railway Board vide their circular dated 11.9.1986 issued in pursuance of Supreme Court's judgment in the case of Inder Pal Yadav Vs. Union of India, had directed that all the casual labourers who had worked after 1.1.1981 should have their names included in the live casual labour register automatically. According to the circular dated 20.8.1987 in the case of casual labours discharged after 1.1.1981 their names are to be continued on the live casual labour register indefinitely and there was no requirement for the applicants to make any representation. The contention of the respondents that the applicants having left the employment on their own accord and, therefore, do not have a case, is also not acceptable.

2X

4. The learned counsel for the respondents has relied on a decision of the Supreme Court in the case of Dakshin Railway Employees Union, Trivandrum Vs. General Manager, Southern Railway, AIR 1987 SC 1153 dealing with the retrenched Railway casual labour employed on projects. It is held that casual labours in service prior to 1.1.1981 are entitled to be included in Scheme for Absorption formulated as per the circular dated 31.3.1987.

5. In accordance with the circular dated 2.3.1987 (R.B.E.No.39/87) cases of project casual labour who had worked before 1.1.1981 and discharged due to completion of work or for want of further work may be considered for the absorption if they file a representation before 31.3.1987.

6. I am of the view that the applicants' case does not merit any consideration. Applicant no.1's conduct is questionable. Applicant no.2 does not press his case. The other two applicants have worked for a very short period and such a short service does not entitle them to lay down any claim for reengagement. There is no evidence of any casual labour service card and such sporadic short term casual service is not within the ambit of the instructions of the Railway Board for consideration of persons for empanelment in the live casual labour register, much less for reengagement.

7. In the result, the OA is dismissed. No costs.

rkv.

N. Sahu
(N. Sahu) 13/5/87
Member (Admnv)