

Central Administrative Tribunal
Principal Bench

O.A.No.292/97
M.A.No.342/97

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

New Delhi, this the 26th day of September, 1997

1. Jagdish
s/o Shri Sube Singh
r/o Village Narwana
Moh. Gandhi Nagar
Distt. Jin(Har.).
2. Shyam Lal
s/o Shri Jeet Ram
r/o village Narwana, Ward No.4
Moh. Gandhi Nagar
Distt. Jind (Har.).

... Applicants

(By Shri Yogesh Sharma, Advocate)

Vs.

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 Rly. Station
New Delhi.

... Respondents

(By Shri O.P.Kshatriya, Advocate)

O R D E R (Oral)

The applicants claim that they worked with the Railways for various periods between 1981 to 1988 as Casual Labourers. They submit that as per the Scheme prepared by the respondents in terms of the judgment of the Supreme Court in Inder Pal Yadav Vs. Union of India & Others, they are entitled to have their names included in the Live Casual Labour Register and to be considered for further engagement and their regularisation according to their seniority in the Live Casual Labour Register. They submit that they ^{have} already approached the respondents but their names have not been included in the said Casual Labour Register.

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2. The respondents in their reply have stated that as per the available records, Applicant No.1 had left the job on his own accord while Applicant No.2 has to provide proof of working with the respondents for the periods he has claimed. They therefore state that as Applicant No.1 had left the job on his own accord and Applicant No.2 has not been able to furnish the requisite proof of service, the applicants have no case for their re-engagement. (9)

3. I have heard the counsel on either side. The persons who worked after 1.1.1981 are entitled to have their names included in the Live Casual Labour Register. In case of persons having worked as Casual Labour and person engaged after 1.1.1981 and who left on their own accord, a notice has to be issued to such persons before deleting the names from the Live Casual Labour Register. There is ^{no} indication that such a notice had been given to the applicants. In the circumstances, I dispose of this application with a direction that applicants may make a detailed representation to the respondents within one month from the date of receipt, of a copy of this order along with necessary proof of having worked as Casual Labour. Respondent No.2 will thereafter have the representations examined and decide the same within two months from the date of receipt of a copy of such representation and communicate the decision taken with reasoned and speaking order immediately. In case the applicants are found eligible for inclusion in the Live Casual Labour Register they will be re-engaged in accordance with law and the respondent will regularise their services in terms of their seniority.

The OA is disposed of as above. No costs.

R.K. AHOOGJA
(R.K. AHOOGJA)
MEMBER (A)

/rao/