

Central Administrative Tribunal
Principal Bench: New Delhi

OA 441/97

New Delhi this the date of 25th February 1997.

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

Shri Sudhir Narain
S/o Shri Partap Narain
Jhugi No.67 Behind Sonia Cinema
K.G.I. Vikas Puri
New Delhi.

...Applicant.

(By advocate: Shri S.K.Sawhney)

Versus

Union of India through

1. General Manager
Northern Railway
Baroda House
New Delhi.
2. Assistant Engineer
Northern Railway
Hapur
3. Inspector of Works
Northern Railway
Gajrola, U.P..

...Respondents.

(By advocate: Mr N. Sahu)

O R D E R (oral)

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

The prayer in this petition is for a direction to the respondents to enter the name of the applicant in the live casual labour register and to inform the applicant of his seniority in the said register. The applicant was engaged as casual labourer during the period from 23.12.77 to 31.6.78 for a period of 160 days. Annexure A-2 is an instruction of the Northern Railway Headquarters' office dated 14.8.87 wherein the principles of maintaining the live casual labour register have been explained. My attention has been drawn to para 9 of the said circular wherein it is stated that ^{names of} those casual labourers discharged prior to 1.1.81 and had not worked for 2

years should be deleted and names of those casual labourers discharged after 1.1.81 are to be continued. Learned counsel has drawn my attention to a judgement of the Supreme Court in Writ Petition No. 262/94 wherein on the facts of the case, the petitioners were asked to furnish details before a nominated authority. Learned counsel submits that although the applicant worked before 1.1.81 yet he filed a representation before the D.R.M., Northern Railway, Moradabad dated 6.9.95. He states that he should have approached earlier but he could not do so and now in view of the Supreme Court judgement annexed to the petition, he says that his case should be considered.

2. Paras 6, 8 & 9 of the Scheme of the Northern Railway HQs. office dated 14.8.87 are extracted hereunder:

"6. As per Railway Board's letter No.E(NG)II/78/CL-2 dated 22.11.84 (PS No.8634), Board had decided that if a casual labour, who was earlier discharged from service on completion of work or for want of further productive work, has not worked on the Railways again for the two calendar years, his name should be struck off from the live casual labour register.

8. Again as a result of Hon'ble Supreme Court's order dated 23.2.87, Railway Board vide their letter No.E(NG)II/84/CL/41 dated 2.3.87 (PS No.9191) and dated 4.3.87 (PS No.9195) directed that the casual labour both on projects and open line who have been discharged before 1.1.81 may also be given opportunity to be considered and placed on the live casual labour registers provided they represent to the Administration on or before 31.3.87.

9. From the above discussion, it is to summarise that while maintaining live casual labour registers, those casual labourers discharged prior to 1.1.81 and had not worked for two years, their names should be deleted except such casual labour who had made special representation in terms of PS No.9191 and 9195 (to be executed upto 31.3.87) and considered eligible. Further all casual labourers discharged after 1.1.81 are to be continued on the live casual labour register indefinitely."

3. The applicant's case does not ex-facie come within the _____



ambit of the Scheme as he did not work for two calender years after he was discharged nor did he make a special representation before 1.4.87. But since the applicant is relying on a Supreme Court decision W.P.Nos (Civil) 262/94 dated 15.12.94 and has filed a special representation to the DRM for consideration on the basis of this decision, without going into merits, this petition can be disposed of by issuing a direction to respondent No.2, the Assistant Engineer, Northern Railway, Hapur to whom another representation with full details shall be addressed within 3 weeks from today. Respondent No.2 shall examine genuiness of the claim and the applicability of the Supreme Court judgement to the facts of the case and dispose of the same within a period of 8 weeks after receipt of the same.

4. The OA is disposed of as above.

Narashankar

[N. Sahu]
Member (A)

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