

Central Administrative Tribunal, Principal Bench

O.A.No.523/97

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

New Delhi, this the 23rd day of September, 1997

Suparmani
s/o Pichapillai
r/o 'Gaur Bhawan', Gali No.40
Sadh Nagar-II,
New Delhi - 45. Applicant
(By Shri Yogesh Sharma, Advocate)
Vs.

1. Union of India through
The General Manager
Western Railway
Churchgate
Bombay.
2. The Divisional Railway Manager
Western Railway
Rajkot Dn.
Rajkot (Gujrat).
3. The Permanent Way Inspector(Constructions)
Western Railway
Jam Nagar (Guj.). Respondents
(By Mrs. B. Sunita Rao, Advocate)

O R D E R (Oral)

The applicant claims that he was engaged on 3.10.1979 under PWI(C), Jamnagar, and worked continuously upto 20.7.1981. He was again re-engaged on 27.8.1983 and worked upto 30.9.1984. He submits that on the basis of Supreme Court's Judgment in the case of Inder Pal Yadav Vs. Union of India & Others the Railway Board prepared a Scheme for casual labourers which was published vide Board's circular dated 11.9.1986 (Annexure A2). Under that Scheme in respect of the Casual Labourers, who were discharged after 1.1.1981, the respondents were required to keep their names on the Live Casual Labour Register and to consider them for re-engagement in accordance with their seniority. The applicant is aggrieved that his name had not been kept on the Live Casual Labour Register and he had not been re-engaged. He now seeks a direction to the respondents to consider him in preference to his Juniors after including his name in the Live Casual Labour Register.

2. Respondents in their reply state that despite numerous

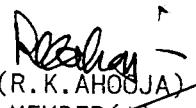
circulars issued by them, the applicant did not approach them for re-engagement, hence his case could not be considered. Since his last engagement was on 30.9.1984, he lost his right in terms of the aforementioned Scheme.

3. I have heard the counsel. Under the relevant Scheme circulars had been issued by the Railway Board vide their letters dated 11.9.1986 (Annexure A2) and 28.8.1987 (Annexure A3). According to that the Zonal Railways were required to prepare the list of Casual Labourers, Division wise for their re-engagement.

No separate ~~representation~~ ^a allocation individually had to be made ~~by~~ ^{of} the persons ~~du~~ - engaged as Casual Labourers. In ^{base} ~~which~~ number of similar cases decided by this Tribunal ⁱⁿ this interpretation of the above circulars the respondents have been directed to give relief^s sought by the applicants.

4. This OA is also disposed of with a direction to include the name of the applicant in the Live Casual Labour Register, if he is eligible for such inclusion, in terms of Circular dated 28.8.1987, Annexure A3 and engage the applicant as Casual Labour, if and when the need arises, in accordance with his seniority in the Live Casual Labour Register. It is made clear that in order to enable the respondents to take such action, the applicant should submit a representation to the respondents within one month from the date of receipt of a copy of this order along with proof relating to the claim that he is entitled to be included in the Live Casual Labour Register. In case such a representation is received, the respondents are directed to dispose of the same in accordance with law within a further period of two months from the date of receipt of such a representation under intimation to the applicant.

OA is disposed of as above. No costs.


(R.K. AHUJA)
MEMBER(A)

/rao/