

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

DA No. 2110/1994

NEW DELHI THIS THE 24TH DAY OF JANUARY, 1996.

(2)

HON'BLE SHRI A.V.HARIDASAN, VICE-CHAIRMAN(J)
HON'BLE SHRI K.MUTHUKUMAR, MEMBER(A)

Shri Tej Pal
S/o Sh Girdhari
R/o C/o 75, D.D.A Flats,
Mansarovar Park,
Delhi Shahdara

..... Applicant

(None for the applicant)

Vs.

Union of India, through

1. The General Manager
Northern Railway,
Barela House,
New Delhi.

2. The Divisional Railway Manager,
Northern Railway
Meraababad

3. Assistant Engineer
Northern Railway
Hapur

..... Respondents

(BY ADVOCATE SHRI K.K.PATEL)

ORDER(ORAL)

SHRI A.V.HARIDASAN:

None appeared for the applicant from 24.10.1995 onwards. Since neither the applicant nor his counsel is present, we have no option but to dispose of this application on merits after going through the pleadings in this application and hearing the learned counsel for the respondents. Accordingly, we have heard the learned counsel for the respondents and have perused the pleadings and other material on record.

2. The applicant who was earlier in service as a casual labourer under the Railway is aggrieved by the fact that he is not being considered for re-engagement although the work is available and the persons

(3)

with lesser length of service have been re-engaged. The applicant has, therefore, prayed that the respondents be directed to engage him as a casual labour gangman, ^{live} according to his seniority in the/casual labour register and in preference to juniors and outsiders.

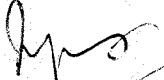
3. The respondents in their reply have contended that the applicant had abandoned the service. However, they have indicated that according to the standing instructions, the name of the applicant has been brought over at Sl.No.20 in the live casual labour register and that he would be re-engaged in his turn as and when work becomes available in preference to juniors and outsiders.

4. The applicant has filed an affidavit in which he has contended that two persons junior to him, namely Shri Jamil and Khacheree have been re-engaged. In reply to the affidavit, the respondents have filed another affidavit in which it has been stated that Shri Jamil and Shri Khacheree are persons whose names figure at Sl.No.8 and 11 of the live casual labour register and they had been re-engaged as per judgements of the Tribunal in OA No.1033/92(Jamil Vs U.O.I & ors.) and OA No.163/92(Sh.Khacheree Singh Vs U.O.I & ors.). They have also contended that one Shri Jetha had been reinstated in service on the basis of the judgement in OA No.1959/92(Sh Jetha Vs U.O.I & ors.).

5. In the light of the facts and circumstances emerging from the pleadings and the other relevant material on record, we find that the respondents themselves have taken steps to consider the re-engagement of the applicant on the basis of his eligibility reckoning his

placement in the live casual labour register. The applicant's name figures at Sl.No.20 in the live casual labour register and the respondents have offered to give him re-engagement in his turn as and when work becomes available in preference to juniors and outsiders. In the result, there is nothing more to be adjudicated in this case. The ends of justice would be met if a direction is issued to the respondents to engage the applicant in his turn reckoning his placement in the live casual labour register as and when work becomes available in preference to persons with lesser length of service and outsiders. Ordered accordingly.

5. The OA is disposed of as above but without any order as to costs.


(K. MUTHUKUMAR)
MEMBER(A)


(A.V. HARIDASAN)
VICE CHAIRMAN(J)

SNS