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CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench, New Delhi

O.A. No. 1459/94

New Delhi, March 8, 1995

HON'BLE JUSTICE MR. B.C. SAKSENA, VICE-CHAIRMAN
HON'BLE MR. S.R. ADIGE, MEMBER (A)

Shri Manohar Lal,
S/o Shri Mehanlal,
R/o M-97, Saket,
New Delhi-110017. Applicant
(Shri K.N.R. Pillay, advocate)

VERSUS

1. Union of India
through the Secretary
Ministry of Railways (Railway Board),
New Delhi.
2. The Divisional Railway Manager (P),
Central Railway,
Jhansi.
3. Shri Manoj Pandey,
Sr. Divisional Personnel Officer,
Central Railway,
Jhansi. Respondents
(Shri P.S. Mahendru, Advocate)

ORDER (ORAL)

HON'BLE JUSTICE MR. B.C. SAKSENA, VICE-CHAIRMAN
HON'BLE MR. S.R. ADIGE, MEMBER (A)

Shri K.N.R. Pillay, learned counsel for the
applicant has not fairly not pressed before us the
relief for quashing the order of termination
dated 18.7.89. He has confined his submissions to the
relief of refusal to screen the applicant at the
screening test on 18.3.1994 vide para 4(viii). It
has been indicated that in the said order that since
on the date of the screening test the applicant was
not on roll he cannot be placed on the panel.

As far as casual labourers are concerned,
circular on the subject provides for maintenance of
live register. The whole purpose of maintaining the

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live register is to consider the casual labourer according to their length of service and after being screened his name is to be placed on the panel. These provisions can be gathered from the circular for casual labourers issued by the Ministry of Railways, Railway Board through circular letter dated 30.6.92. The learned counsel for the respondents strenuously urged that since the applicant had not completed 120 days of uninterrupted service he did not attain the temporary status and, therefore, he was not eligible to be screened at the screening test on 18.3.1994. This submission is fallacious and untenable. The applicant's name was there in the casual labour register and consequently he was called for the screening test held on 18.3.94. The applicant candidature should have been considered. We find from the letter dated 18.3.94 (Annexure A 1) that the applicant was required to attend at the screening test. Thereafter on the screening file it was noted that since the applicant was not working on the date of screening test, he could not be placed on panel. This is wholly untenable.

In view of the above we quash the order issued ~~dated 18.3.94~~ by the respondents that the applicant can be included in the screening test panel of the casual labourers. We direct that the respondents shall screen the applicant again and on the basis of the assessment made at the said screening the applicant shall be empanelled and given all consequential benefits and relief

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according to the relevant rules and circulars.

The O.A. is allowed to ~~be~~ extent
indicated above. No order to costs.

Adige
(S.R. ADIGE)

Member (A)

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(B.C. SAKSENA)
Vice-Chairman

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