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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 Mohanlal,  
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 I) 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 by the respondents ~~and direct that~~ <sup>not</sup> 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 <sup>the</sup> ~~be~~ extent  
indicated above. No order to costs.

*Amfeligc*  
(S.R. ADIGE)  
Member (A)

*Bolaksena*  
(B.C. SAKSENA)  
Vice-Chairman

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