

Central Administrative Tribunal
Principal Bench, New Delhi.

O.A.No.146/94

New Delhi this the 9th Day of December, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman(J)
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Shri Vidya Ram,
S/o Shri Naubat,
R/c Village Pawari Post Office
Maiuwa (Hassan Ganj),
Distt. Badayun. Applicant
(through Sh. Malik B.D. Thareja - None present)
versus

1. The Union of India,
through the General Manager,
Northern Railway Headquarter Office,
Baroda House,
New Delhi.
2. The Divl. Railway Manager,
Northern Railway,
Moradabad.
3. The Assistant Engineer,
Northern Railway,
Hapur,
Distt. Ghaziabad. Respondents

(through Sh. D.S. Mahendru - None present)

ORDER(ORAL)

delivered by Hon'ble Mr. Justice S.K.Dhaon, V.C.(J)

The following prayers have been made, in this

O.A.:-

- (i) The respondents may be directed to absorb the applicant as a permanent gangman and give him thereafter the benefit of seniority etc.;
- (ii) Direct the respondents to pay to the applicant the difference of wages of a casual labour and the wages paid to a permanent gangman for the entire period during which he worked as a gangman on casual basis.

A counter-affidavit has been filed on behalf of the respondents. It is admitted that the name of the applicant finds place in the live casual register. It is

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asserted that appointments are being made on regular basis strictly in accordance with the entries made in the said register. It is further stated that the name of one Sh. Bir Singh, whom the applicant alleges to be junior to him, has a prior entry in the said register.

In view of the admission made in the counter-affidavit that the name of the applicant finds place in the live casual register and in view of the assertion that they are making appointments on regular basis strictly in accordance with the entries made in the live casual register, we direct the respondents to consider the case of the applicant for a permanent appointment strictly in accordance with the entries made in the register.

With regard to the other relief claimed, namely, that the respondents be directed to pay to the applicant the difference of wages and the wages paid to a regularly appointed casual workers, there is no material, in our opinion, to show that the respondents ever called upon the applicant to perform the job of a regularly appointed casual worker. This relief cannot be granted to the applicant.

With the above direction, the O.A. is disposed of finally.

No costs.

B.N.Dhondiyal
(B.N. Dhondiyal)

/vv/

Member(A)

S.K.Dhaon
(S.K. Dhaon)

Vice-Chairman(J)