

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OAT No. 1217/00

61/35,
Copernicus Marg
New Delhi
Dt. 17/12/08

Sh. Innocent Simon.....Applicant(s)

Vs.

U.O. 8-2 am.....Respondent (s)

The above noted case was decided vide Judgment/Order dated 20/4/05 by the Bench comprising of:

Hon'ble Mr. Shanker Rayu, Member (J)

Hon'ble Mr. _____

The Applicant(s)/Respondent(s) in the above noted case filed CWP/CMP No. 21387/05 in the High Court and the Hon'ble High Court vide Order/Judgment dated 15/2/08 has been pleased to:-

- ☒ Dismiss/admitted the CWP/CMP
- ☒ (b) Set aside the Order/Judgment of this Tribunal.
- ☒ Stayed the operation of the Judgment of the Tribunal.
- ☒ Modified/Substituted the judgment/order of the Tribunal.
- ☒ Disposed the CMP/CWP.
- ☒ Dismissed as withdrawn the CMP/CWP

Submitted for perusal of Hon'ble the Chairman and Hon'ble Members of the Bench.

ADU

S.B.

17/12
Deputy Registrar (J)

Joint Registrar

Principal Register

are
19/12/08
PT 18/12/08

Hon'ble Mr.

Shanker Rayu, Member (J)

19/12/08

Hon'ble Mr. _____

PT 134/2000
MA 1449/2000

SB

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

ORIGINAL APPLICATION NO.

SHRI/SMT.

Innocent Simon

APPLICANT

VERSUS

Union of India and others

RESPONDENT

This application has been submitted to the Tribunal by Shri/Smt. B. S. Mainee under Section 19 of the Administrative Tribunal Act, 1985 and the same has been scrutinised with reference to the points mentioned in the Administrative Tribunal Act, 1985 and Procedure Rules, 1988.

The applicant has also filed a Misc. Application(s) regarding (a) jurisdiction (b) joining (c) condonation of delay and/or (d) Petition for Transfer. MA U/R 6 of CAT Procedure Rules, 1987.

The application has been found in order and may be listed in Court for admission/orders.

S.O. (FILING)

JOINT REGISTRAR

COURT NO.

DATE

H. S. Chakraborty

<FRESH>

28/6

PT 134/2000
14/12/2000
FORM NO. 2

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Report on the Scrutiny of Application

SB/DB SB

Presented by: B.S. Maamee Diary No. 1095
Date of Presentation: 31-5-2000
Applicant(s): Innocent Simon Group: Casual labor
Respondent(s): Ministry of India
Nature of grievance: Casual labor
No. of Applicants: One No. of Respondents: One

.....तारीख को पूरा किया
.....
R. Section Date: 27/6/00
.....
By Registrar:

CLASSIFICATION

Subject: Casual labor (No.) Department: Railway (No. 2)
* If S.B.

1. Is the application is in the proper form? (PROFORMA/COMPILATION)
(three complete sets in paper book form in two compilations). Yes
2. Whether name, description and address of all the parties been furnished in the cause title? Yes
3. (a) Had the application been duly signed and verified? (SIGNED/VERIFIED) Yes
(b) Have the copies been duly signed? Yes
(c) Have sufficient number of copies of the application been filed? Yes
4. Whether all the necessary parties are impleaded? Yes
5. Whether English translation of documents in a language other than English or Hindi been filed? Yes
6. (a) Is the application in time? (See Section 21) Yes
(b) Is MA for condonation of delay filed? NA
7. Has the Vakalatnama/Memo of appearance/00 authorisation been filed? Yes
8. Is the application maintainable? (u/s 2,14,18 or U/R 6 etc.) Yes
u/s 2, u/s 14, u/s 18
U/R 6, PT u/s, 25 file
9. Is the application accompanied by IPO/DD for Rs.50/-? Yes
10. Has the impugned orders original/duly attested legible copy been filed? Yes
LEGIBLE/ATTESTED
11. Have legible copies of the annexure duly attested been filed? 11 Pt. 2, 30, 35
LEGIBLE/ATTESTED

12. Has the index of documents been filed and pagination done properly?

FILED/PAGINATION

13. Has the applicant exhausted all available remedies?

14. Have the declaration as required by item 7 of Form-I been made?

15. Have required number of envelopes (file size) bearing full address of the respondents been filed?

16. (a) Whether the reliefs sought for, arise out of single cause of action?

(b) Whether any interim relief is prayed for?

17. In case an MA for condonation of delay is filed, is it supported by an affidavit of applicant?

18. Whether this case can be heard by Single Bench?

19. Any other point?

20. Result of the scrutiny with initial of the Scrutiny Clerk.

The application is in order and may be registered and listed before the Court for admission/orders on ;

- ~~(a) MA for joining - U/R 4(5)(a)/4(5)(b)~~
- ~~(b) MA U/R 6 of CAT Procedure Rules, 1987~~
- ~~(c) PT u/s 25 under At ACT~~
- ~~(d) MA for condonation of Delay;~~

OR

The application has not been found in order in respect at item No(s) mentioned below;

- (a) Item Nos. 11, 15, 18
- (b) Application is not on prescribed size of paper.
- (c) MA U/R 4(5)(a)/4(5)(b) has not been filed.
- (d) Application/counsel has not signed each page of the application/documents.
- (e) MA U/R 6 has not been filed.

The application might be returned to the applicant for rectification of the defects within 7 days.

SCRUTINY CLERK

SECTION OFFICER

JOINT REGISTRAR

COURT NO.

DATE

objection removed
27/6/2000

31/5/00
1.6
1/6

PT 134/2000
MA 1448/2000 U/R 6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

PRINCIPAL BENCH : NEW DELHI.

O.A. NO. 1277/2000.

SHRI INNOCENT SIMON,

S/o SHRI E. SIMON.

... APPLICANT.

VS.

UNION OF INDIA & ORS.

... RESPONDENTS.

I N D E X

S. Description of documents relied upon. Page Nos.
No.

COMPLN. I

1. P.T. under Section 25 of the A.T. Act/Rules, 1985.
2. M.A. under Rule 6 of the A.T. Procedure Rules.
3. MAIN APPLICATION.
4. Ann. A-1 : Copy of impugned order No. 726-E/Misc./C&W/P.2.B./ Ambala dt:6.7.1999 issued by DRM's Office, Nor. Rly., Ambala Cantt.

A-B1

C-D
1-77
8-9

COMPLN. II

5. Ann. A-2 : Copy of O.A. No. 103/1995 filed before Principal Bench of Hon'ble Tribunal.
6. Ann. A-3 : Copy of judgement dt:18.11.96 by the Hon'ble Tribunal in O.A. No. 103/1996,
7. Ann. A-4 : Copy of letter dt: 21.10.1998 issued by Asstt. Personnel Officer I, D.R.M.'s Office, Nor. Rly., Ambala.
8. Ann. A-5 : Copy of circular issued by the Railway Board.
9. Ann. A-6 : Copy of judgement of the Hon'ble Tribunal in Mithai Lal's case.
10. Ann. A-7 : Copies of letters dated 30.4.1997 and 9.3.1999 issued by the Respondents, collectively.

10-39

40-43

44

45-48

49-53

54-55

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11. VAKALATNAMA

(B.S. MAINEE & MRS. MEENU MAINEE)
Advocates.

240, Jagriti Enclave, Delhi-92.

श्री. 1 न्यायपीठ/CAT (PB)

आप दाखिल किया

11 May 2000

11 MAY 2000

दिल में/Liling No...

रजिस्टार/Dy.Registrar

30

May

, 2000.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

PRINCIPAL BENCH : NEW DELHI.

P.T. NO. 139/2000

IN

O.A. NO. 1217/2000.

SHRI INNOCENT SIMON,
S/o SHRI E. SIMON.

... APPLICANT.

VS.

UNION OF INDIA & ORS.

... RESPONDENTS.

P.T. UNDER SECTION 25 OF THE
ADMINISTRATIVE TRIBUNAL ACT,
1985.

MOST RESPECTFULLY SHEWETH :

That the Applicant has filed the abovenoted O.A.,
praying for directions to the Respondents to record his
name on the Live Casual Labour Register and to re-engage
the services of the Applicant.

2. That the Applicant is residing at Hapur which falls in
Ghaziabad District. Consequently, the case of the Applicant
comes within the territorial jurisdiction of Allahabad
Bench of the Hon'ble Tribunal.

3. That the residence of the Applicant is only
at a distance of about 25 K.M. from Delhi.

4. That the Applicant is a very poor person and has
worked as a casual labour and his name has been excluded
from the Live Casual Labour Register for further engagement
in disregard of the Railway Board's orders.

5. That still Hapur is situated at a very close distance
from Delhi while Allahabad is more than 500 KMS away.

6. That the Applicant belongs to the poorest sections of
the society and it will be more economical and convenient
for the Applicant to conduct and pursue his case at Delhi.

..2..

P R A Y E R

That it is, therefore, most respectfully prayed that the Hon'ble Chairman may be graciously pleased to allow this application and be further pleased to allow the O.A. to be retained in the Principal Bench of the Hon'ble Tribunal.

VERIFICATION

VERIFIED AT NEW DELHI, on this the _____ day of May, 2000 that the contents of the above P.T. are true to my personal knowledge and that nothing relevant material has been concealed therefrom.

APPLICANT.

Through :

(B.S. MAINEE & MRS. MEENU MAINEE)

Advocates.
240, Jagriti Enclave,
(Vikas Marg Extn.),
Delhi - 92.

~~NEW DELHI:~~

~~MAY , 2000.~~

P-9-8

Meenu

11. PARTICULARS OF THE POSTAL ORDER ATTACHED :

- (i) No. of Postal Order
- (ii) Post Office from where issued
- (iii) Date of issue of Postal Order

12. ~~LIST OF ENCLOSURES : AS PER INDEX~~

Innocent Simon
Applicant

VERIFICATION

I, *Innocent Simon*

s/o *P. Simon*

aged about *42* years working as *Khallas*

in the office of *under P.W.I Saharapur*

and r/o *263/B, Anwar Vilas, Hapur, Distt-Ghaziabad*

do hereby verify that the contents of ~~paras 1 to 4~~ of the above application are true and correct to the best of my knowledge and ~~paras 5 to 12~~ are believed to be true on legal advice and that I have not suppressed any material fact.

Date = 31/5/2000
New Delhi

Innocent Simon
APPLICANT

through

Meenu
(B.S. MAINEE / MEENU MAINEE)

Advocates

240, Jagriti Enclave,

Vikas Marg Extn.

Delhi - 110 092

Tel. : 2152172, 2166162

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

PRINCIPAL BENCH : NEW DELHI.

M.A. NO. 1449 /2000.

IN
O.A. NO. 1217 /2000.

SHRI INNOCENT SIMON,
S/o SHRI E. SIMON.

... APPLICANT.

VS.

UNION OF INDIA & ORS.

... RESPONDENTS.

M.A. UNDER RULE 6 OF THE ADMINISTRATIVE
TRIBUNAL PROCEDURE RULES.

MOST RESPECTFULLY SHEWETH :

That the Applicant has filed the abovenoted O.A.,
praying for directions to the Respondents to place his
name on the Live Casual Labour Register and re-engage the
services of the Applicant.

2. That the Applicant is residing at Hapur and along
with the O.A. he has moved a P.T. under section 25 of the
Administrative Tribunal Act, 1985 for retention of the
O.A. in the principal Bench of the Hon'ble Tribunal.

3. That the Applicant is also filing an M.A. under Rule
6 of the Administrative Tribunal Procedure Rules for
retention of the O.A. in the Principal Bench.

P R A Y E R

It is, therefore, most respectfully prayed that the
Hon'ble Chairman may be graciously pleased to allow this
application under Rule 6 of the A.T. Procedure Rules for
filing the O.A. with the Registry of the Principal Bench
of the Hon'ble Tribunal.

11. PARTICULARS OF THE POSTAL ORDER ATTACHED :

- (i) No. of Postal Order
- (ii) Post Office from where issued
- (iii) Date of issue of Postal Order

12. LIST OF ENCLOSURES : AS PER INDEX

Innocent Simon
Applicant

VERIFICATION

I, *Innocent Simon*

s/o *B. Simon*

aged about *42* years working as *Khullasi*

in the office of *under PW-2 Saharapur*

and r/o *263/B, Awas vilas Hapur Distt. Ghaziabad*

do hereby verify that the contents of paras 1 to 4 of the above application are true and correct to the best of my knowledge and paras 5 to 12 are believed to be true on legal advice and that I have not suppressed any material fact.

Date 21/5/200
Nad Delh

Innocent Simon
APPLICANT

through

(B.S. MAINEE / MEENU MAINEE)

Advocates

240, Jagriti Enclave,

Vikas Marg Extn.

Delhi - 110 092

Tel. : 2152172, 2166162

① Compl. ✓

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

PRINCIPAL BENCH : NEW DELHI.

O.A. NO. 1217/2000.

SHRI INNOCENT SIMON,
S/o SHRI E. SIMON,
R/o 263/B, Awas Vikas,
Hapur, Distt. Gaziabad. ... APPLICANT.

VS.

UNION OF INDIA
THROUGH :

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
Ambala.
3. The Divisional Superintending Engineer (C),
Northern Railway,
D.R.M.'s Office,
Ambala Cantt. ... RESPONDENTS.

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDERS AGAINST
WHICH APPLICATION IS MADE :

Ann.A-1

- 1.1 Impugned order No. 726-E/Misc./C&W/P.2.B./Ambala
dated 6.7.1999 issued by Divisional Rly. Manager's
Office, Northern Railway, Ambala Cantt.
- 1.2 That the Applicant is aggrieved by the impugned
order in terms of which the Respondents have refused to
register the name of the Applicant on the Live Casual Labour
Register.

2. JURISDICTION OF THE TRIBUNAL :

That an application under section 25 of the
Administrative Tribunal Act, 1985 has been moved.

3. LIMITATION :

That the Applicant declares that the application
is within the limitation period as prescribed in section

21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE :

4.1 That the Applicant had worked as casual labour from 3.5.1976 to 30.5.1976 under P.W.I., Northern Railway, Jagadhri Workshop and again from 16.9.1980 to 25.9.1980 under the P.W.I., Northern Railway, Ambala and further from 1.12.1982 to 14.2.1983 under the P.W.I., Northern Railway, Saharanpur.

4.2 That since the Applicant had not been re-engaged thereafter, he filed an O.A. No. 103/1995 before this Hon'ble Tribunal, praying for directions to the Respondents to place his name on the Live Casual Labour Register and re-engage his services in order of his seniority. A copy of said earlier O.A. is annexed hereto and marked as Annexure A-2. The said copy of the O.A. may be deemed to be part of this O.A. of

Ann. A-2

4.3 That the said O.A. was disposed/by the Hon'ble Tribunal vide order dated 18.11.1996. A copy of the said judgement dated 18.11.1996 is annexed hereto and marked as Annexure A-3.

Ann. A-3

4.4 That in terms of the aforesaid order, this Hon'ble Tribunal has directed the Respondents to examine the case and inform about the position to the Applicant within a period of four months.

4.5 That after the aforesaid order was passed by this Hon'ble Tribunal on 18.11.1996, the case of the Applicant was examined in the office of Divisional Rly. Manager, Northern Railway, Ambala. Vide his letter dated 21.10.1998, he wrote to the General Manager, Northern Railway, New Delhi for approval of the Competent authority to place the name

of the Applicant on the Live Casual Labour Register and to re-engage him as Safaiwala/C&W Cleaner.

4.6 That in this letter, Respondent No.2 had stated that the working periods of the Applicant as Casual Labour from 3.5.1976 to 30.5.1976 under P.W.I., Northern Railway, Jagadhri Workshop, 16.9.1980 to 25.9.1980 under the P.W.I., ^{IN} Northern Railway, Ambala and 1.12.1982 to 14.2.1983 under P.W.I., Northern Railway, Saharanpur had been duly verified and found to be correct as per record.

4.7 That Respondent No.2 had also approached the General Manager, Northern Railway, proposing that the Applicant may be considered for re-engagement as Safaiwala/C&W Cleaner in Ambala Division as the other casual labours whose names are on the Live Casual Labour Register having less number of working days than the Applicant and are being called for consideration for re-engagement. A copy of the said letter dated 21.10.1998 is annexed hereto and marked as Annexure A-4.

Ann. A-4

4.8 That ultimately, Respondent No.3 advised the Applicant that although he had been informed that his name has been registered in the Live Casual Labour Register, but when the case had been examined in the Headquarters' Office, it has been decided that the name of the Applicant cannot be placed on the Live Casual Labour Register, because the names of the casual labour cannot be placed on the Live Casual Labour Register after 31.3.1987 in accordance with the Rules. In the said letter, Respondent No.3 had also stated that the General Manager (P) has informed Respondent

No. 2 to examine the case of the Applicant in accordance with the Rules or otherwise. In this letter, it has further been stated that the case had been examined in the light of the Railway Board's order dated 2.3.1987 in which it has been laid down that those casual labour who have worked prior to 1.1.1981 and who had been removed for want of further work, their names can be placed on the Live Casual Labour Register and they should be regularised in Group 'D' category. It has, however, wrongly stated by Respondent No.2 that since the Applicant had not made any representation prior to 31.3.1987, his name cannot be placed on the Live Casual Labour Register.

4.9 That the aforesaid decision given by Respondent No. 2 after more than three years is contrary to Rules as well as law.

4.10 That in accordance with the Rules as laid down by the Railway Board, special representation has to be made by those who have been discharged before 1.1.1981, but those who have been discharged any time after 1.1.1981, their names have to be placed on the Live Casual Labour Register automatically and indefinitely. A copy of the circular issued by the Railway Board in this connection is annexed hereto and marked as Annexure A-5.

Ann.A-5

4.11 That the impugned order is arbitrary, illegal and discriminatory, inter-alia, on the grounds as mentioned in para 5 below :

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 That the Applicant had admittedly worked for intermittent periods from 1976 to 1983 and as such, the case of the Applicant is fully covered by the Railway Board's instructions.

..5..

5.2 That the ground given by the Respondents is factually incorrect. In accordance with the Railway Board's instructions, special representation was required to be given upto 31.3.1987 only by those who had been discharged prior to 1.1.1986, while those who have been discharged any time after 1.1.1981, the Railway Administration was required to record their names on the Live Casual Labour Register automatically and indefinitely. The said Railway Board's circular had come up for hearing before this Hon'ble Tribunal which has been interpreted by this Hon'ble Tribunal in Mithai Lal's case and several others. A copy of judgement rendered by this Hon'ble Tribunal in Mithai Lal's case is annexed hereto and marked as Annexure A-6.

Ann. A-6

5.3 That the Respondents have not complied with the directions of this Hon'ble Tribunal.

5.4 That the name of the Applicant had been duly placed on the Live Casual Labour Register by the Divisional Engineer - I, Northern Railway, Ambala Cantt vide his letter dated 30.4.1997 and subsequently, the Applicant was advised vide letter dated 9.3.1999. Copies of the said letters dated 30.4.1997 and 9.3.1999 are annexed hereto and collectively marked as Annexure A-7.

Ann. A-7

5.5 That even after having placed the name of the Applicant on the Live Casual Labour Register, the action of the Respondents to refuse to do so is arbitrary and contrary to Rules. No opportunity of hearing has been given to the Applicant as per law before reversing the earlier decision.

5.6 That the impugned order is arbitrary, illegal, discriminatory and malafide.

6. DETAILS OF REMEDIES EXHAUSTED :

That the Applicant is approaching this Hon'ble Tribunal because the decision has been given by the Respondents in pursuance of the decision given by this Hon'ble Tribunal in the earlier O.A.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT :

That the Applicant had filed an O.A. No. 103/95, a copy of which has been annexed hereto as Annexure A-2; copy of the decision of the Hon'ble Tribunal in the said O.A. has also been annexed hereto and marked as Annexure A-3.

8. RELIEFS SOUGHT :

8.1 That the Hon'ble Tribunal may be pleased to allow this application and quash the impugned order, directing the Respondents to place the name of the Applicant on the Live Casual Labour Register and give him an appointment with consequential benefits from the date from which his juniors have been appointed.

8.2 That this Hon'ble Tribunal may be further pleased to award most exemplary cost against the Respondents for harassing the Applicant for the last five years and giving a wrong decision.

8.3 That any other or further relief which this Hon'ble Tribunal may deem fit and proper on the facts and in the circumstances of the case may kindly be awarded in favour of the Applicant.

8.4 That the cost of the proceedings may kindly be granted in favour of the Applicant.

9. INTERIM RELIEF, IF ANY, PRAYED FOR :

NIL.

10. NOT APPLICABLE.

7

11. PARTICULARS OF THE POSTAL ORDER ATTACHED :

(i) No. of Postal Order

088011

(ii) Post Office from where issued

B. 17

(iii) Date of issue of Postal Order

29/8/00

12. LIST OF ENCLOSURES : AS PER INDEX

Innocent Simon
Applicant

VERIFICATION

I, Innocent Simon

s/o E- Simon.

aged about 42 years working as Khallasi

in the office of Under PWI Saharanpur

and r/o 263/B, Anand Vilas, Hapur Distt - Ghaziabad

do hereby verify that the contents of paras 1 to 4 of the above application are true and correct to the best of my knowledge and paras 5 to 12 are believed to be true on legal advice and that I have not suppressed any material fact.

Date = 31/5/2000
New Delhi

Innocent Simon
APPLICANT

through

(B.S. MAINEE / MEENU MAINEE)

Advocates

240, Jagriti Enclave,

Vikas Marg Extn.

Delhi - 110 092

Tel. : 2152172, 2166162

उत्तर रेलवे

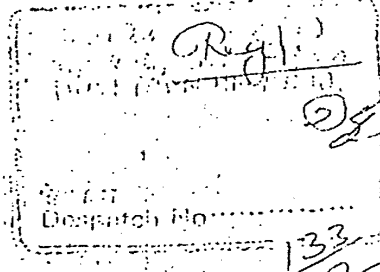
सं०: 726-ई/मि/सी. संड. इक्षुप./पी. 2. डी./अम्बाला

दिनांक: 06.99

मंडल कार्यालय,
अम्बाला छावनी।

श्री. ईनोलेन्ट सार्जमन,
केयर ऑफ श्री ई. सार्जमन,
मकान नं. बी-362,

आवास भिक्षाश कालोनी,
भरत रोड हापुड़,
जिला गाजियाबाद।



विषय : ओ. ए. 103/95 के अन्तर्गत माननीय केन्द्रीय प्राधिकरण,
नई दिल्ली द्वारा दिनांक 18.11.96 को दिये गए निर्णय
के संबंध में।

संदर्भ : आपका अभ्यावेदन दिनांक 133, इस कार्यालय
में दिनांक 19.05.98 को प्राप्त।

....

माननीय केन्द्रीय प्राधिकरण, नई दिल्ली द्वारा ओ. ए. नं. 103/95
में दिये गए निर्णय के अनुसार आपके उपरोक्त अभ्यावेदन का निपटान किया
जाना है।

उक्त निर्णय के मद्देनजर आपके अभ्यावेदन का निपटान करते हुए
संयुक्त अभियन्ता-1/अम्बाला द्वारा यह अवगत कराया गया है कि आपका नाम
लाइव केजुअल मेबर रजिस्टर में दर्ज कर लिया गया है। इसके उपरान्त आपका
केस प्रधान कार्यालय को सक्षम प्राधिकारी के अनुमोदन हेतु भेजा गया था क्योंकि
नियमानुसार 31.03.87 के बाद केजुअल मेबर लाइव रजिस्टर में नाम दर्ज नहीं
किया जा सकता था।

महाप्रबन्धक कार्मिकों ने उनके पत्र सं. 220-ई/190/केट/तिल्ली/अम्बाला/
ई. 4 दिनांक 11.02.99 के अन्तर्गत उपरोक्त संदर्भ में अवगत कराया है कि
अभ्यावेदक के केस का परीक्षण करें और यह देखें कि क्या अभ्यावेदक का नाम
नियमानुसार केजुअल मेबर लाइव रजिस्टर में दर्ज किया जा सकता है या नहीं
तथा अभ्यावेदक को तदनुसार जवाब दे दिया जाए। इस केस को रेलवे बोर्ड के
पत्र सं. ई/एन.जी./11/34/सी. एन./41 दिनांक 02.03.87 के अन्तर्गत
नियमानुसार जांच करने पर पाया कि जिन भौतिक प्रमियों ने 01.01.81 से
पहले रेल विभाग में केजुअल मेबर के रूप में कार्य किया है और जिनमें कार्य न होने
की वजह से हटा दिया गया था, का नाम केजुअल मेबर लाइव रजिस्टर में दर्ज
किया जाए और उन्हें भविष्य में ग्रेड 'डी' में होने वाली रिक्तियों में

....2

(Handwritten signature)

- 2 -

समाशोधित किया जाय। परन्तु इसके लिए ऐसे नैमित्तिक श्रमिकों के नाम दर्ज करने हेतु अपना अभ्यावेदन संबंधित मंडल रेल प्रबन्धक को 31.03.87 तक जमा करना था। उस अभ्यावेदन में नैमित्तिक श्रमिक का नाम/पिता का नाम, जन्म तिथि, स्थाई पता, वर्तमान पता, शैक्षणिक योग्यता, पदवीय विनियम कायालय, विभाग एवं मंडल जिसमें आरम्भिक समय में नैमित्तिक श्रमिक भर्ती हुआ था, का विवरण देना था परन्तु आपने 31.03.87 तक अपना अभ्यावेदन संबंधित कायालय/मंडल में जमा नहीं कराया।

उपरोक्त तथ्यों के आधार पर इस समय आपका नाम लाईव रजिस्ट्रार में दर्ज नहीं किया जा सकता।

अतः आपके अभ्यावेदन का माननीय केन्द्रीय प्रशासनिक प्राधिकरण, नई दिल्ली की ओ.ए. सं. 103/95 में दिए गए निर्देशानुसार निपटारा दिया जाता है।

15/7/95
हो. वरि. मं. का. अधिकारी,
उ. र. अम्बाला ठावनी।

प्रति:-

1. मुख्य विधि सहायक/अम्बाला
2. महाप्रबन्धक/का. वि. उ. र. प्रधान कायालय, नई दिल्ली।

10

A2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUNICIPAL BENCH : NEW DELHI

O.A.No. /1995

Shri. Innocent Simon

... Applicant

(By Shri B.S. Mehta, Advocate)

versus

Union of India & others

... Respondents

I N D I A

Sl.No. Description of documents
relief upon

page Nos.

1. Application under Section 22 of the
A.P. Act

AD

~~2. Application~~

3. Application for condonation of delay

CE

4. Application

1-8

5. Annexure A-1 : copy of working certificate

9

6. Annexure A-2 : copy of certificate

10

7. Annexure A-3 : copy of application by
applicant dt. 20.10.82

11

8. Annexure A-4 : copy of working certificate
from 1.12.82 to 14.4.83

12

9. Annexure A-5 : copy of working certificate
from 6.7.83 to 27.7.83

13

10. Annexure A-6 : copy of D.O. letter of D.D.A. (C)
Ambala

14

11. Annexure A-7 : copy of letter dt. 16.5.89

15

12. Annexure A-8 : copy of letter dt. 12.2.90

16

13. Annexure A-9 : copy of representation
dt. 11.6.90

17

14. Annexure A-10 : copy of representation

18-19

15. Annexure A-11 : copy of casual labour card

20

16. Annexure A-12 : copy of letter

21-22

17. Vakalatnama

23

FILLED 100

Date 16/1/95

6 JAN 1995

(B.S. Mehta)

Advocate

240 Jagti Enclave

Delhi-110092

Filed to Filing No. 62

Place : New Delhi Dt. 16/1/95 By: Registrar

Handwritten signature and initials at the bottom left.

O.A. NO. 1995

SHRI INNOCENT SION ... Applicant

(By SHRI B.S. NAINIA, ADVOCATE)

VERSUS

UNION OF INDIA & others ... Respondents

WRITABLES APPLICATION UNDER SECTION 25

OF THE ADMINISTRATIVE TRIBUNAL ACT 1963

SHOWING :

1. That the applicant has filed the above

noted application praying for directions to the

respondents to place the name of the applicant on

the live casual labour register and re-engage him

services in accordance with the seniority.

2. That the applicant is residing in Hapur

which is in District Chhatisgarh and at a distance of

about 40 kms from Delhi while the said station is

far away from Allahabad nearly 450 kms and as such

the applicant feels it will be more convenient and

less expensive for him to pursue his case in the

Principal Bench.

3. That the applicant was only a casual labour

and presently out of job.

4. It is therefore most respectfully prayed that

the honorable chairman may be pleased to allow this

application and retain the O.A. in the Principal Bench, New De

VERIFICATION

Verified at New Delhi on _____
that the contents of the above application are
true to my personal knowledge and that I have
not suppressed any material fact.

Applicant

through

Meenu
(B.S. Meene)
Advocate
240 Jagriti Enclave
Vikas Marg Extn.
Delhi-110092

Date :

Place : New Delhi

Meenu
CTC

13 C A2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

M.A.NO.____/1995

IN

O.A.NO.____/1995

Shri Innocent Simon ... Applicant
(By Shri B.S. Maines, Advocate)

versus

Union of India & others ... Respondents

MISCELLANEOUS APPLICATION FOR CONDONATION
OF DELAY RESPECTFULLY SHOWETH :

1. That the applicant has filed the above noted application praying for directions to the respondents to place the name of the applicant on the live casual labour register and re-engage his service in accordance with seniority.

2. That the case of the applicant was wrongfully rejected by the respondents vide letter dated 12.12.90. Thereafter the applicant submitted fact and correct information pointing out the mistake to D.S.E., Ambala vide representation dated 11.6.1990.

3. That after having waited for a long time no response from the D.S.E., Ambala the applicant submitted an appeal to the Headquarter office in the year 1992 to which also no reply has been given.

4. That the applicant belongs to poorest section of the society and is approaching this honourable Tribunal when he has been completely frustrated from the insensitiveness

Man
ATC

of the respondents towards the hardship of the applicant.

PRAYER

It is therefore most respectfully prayed that this honourable Tribunal may be pleased to condone the delay if any in approaching this honourable Tribunal and decide the case on merits.

VERIFICATION

I, Innocent Simon s/o Shri E. Simon

Ex. Casual labour under p.W.T. Ambala and
C.P.W.T. Saharanpur s/o House No. 263/B Awas Vikas
Meerut Road, Hapur, Distt. Ghazipur do hereby
verify that the contents of the above
application are true to my personal knowledge
and that I have not suppressed any material
fact.

Applicant

through

Heer
(B.S. Mainee)
Advocate
240 Jagriti Enclave
Vikas Marg Extn.
Delhi-110092

Date :

Place : New Delhi

Mur
OK

15 E A2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

M.A.NO. ____K1995

IN

O.A.NO. ____/1995

Shri Innocent Simon

... Applicant

versus

Union of India & others

... Respondents

AFFIDAVIT

I, Innocent Simon s/o Shri E. Simon,
Ex. Casual labour under P.W.T., Ambala and
C.P.W.I. Saharanpur I/o House No. 263/B
Anas Vikas, Neelut Road, Hapur, Distt. Ghaziabad
do hereby solemnly affirm and declare as under :-

1. That the Deponent is the applicant in the accompanying application for condonation of delay and as such he is fully aware of the facts of the case.
2. That the Deponent declares that the contents of the accompanying application are true and correct.

DEPONENT

VERIFICATION

I, Innocent Simon s/o Shri E. Simon
Ex. Casual labour under P.W.T. Ambala and C.P.W.I
Saharanpur I/o House No. 263/B Anas Vikas, Neelut
Road, Hapur, Distt. Ghaziabad do hereby verify that
the contents of the above affidavit are true to
my personal knowledge and that I have not suppressed
any material fact.

DEPONENT

16 A2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

O.A.NO. _____/1995

Shri Innocent Simon
s/o Shri E. Simon
Ex. Casual Labour
under P.W.T. Ambala
and C.P.W.I. Saharanpur
presently residing
House No. 263/B Awas Vikas
Meerut Road
Hapur, Distt. Ghaziabad

... Applicant

(By Shri B.S. Mainee, Advocate)

versus

Union of India : Through

1. The General Manager
Northern Railway
Baroda House
New Delhi
2. The Divisional Railway Manager
Northern Railway
Ambala
3. Divisional Superintending Engineer (C)
D.R.M. Office,
Ambala Cantt.

... Respondents

DETAILS OF APPLICATION

1. PARTICULAR OF THE ORDER AGAINST WHICH
APPLICATION IS MADE :

That the applicant is aggrieved by the illegal action of the respondents in not re-engaging the services of the applicant as a Casual labour as also not placing his name on the live casual labour register although the applicant is eligible for placement of his name in the live casual labour register as well as regularisation as a Class-IV employee.

- OTC
2. JURISDICTION OF THE TRIBUNAL :

Application under Section 25 of the A.T.
Act has been moved.

3. LIMITATION.

Application for consideration of delay has also been moved.

4. FACTS OF THE CASE.

4.1. That the applicant was engaged as a casual labour under P.W.D., Jangarh on 3.5.1976 and worked upto 30.5.1976 for 28 days vide certificate issued by the P.W.D., Jangarh (I), a copy of which is annexed hereto and marked as Annexure A-1.

4.2. That thereafter the applicant was re-engaged by P.W.D., Ambala Cantt. and worked from 16.9.1980 to 20.9.80 for 10 days. A copy of the certificate issued by P.W.D., Ambala is annexed hereto and marked as Annexure A-2.

4.3. That the applicant submitted representation to the Area Officer, Northern Railway, Saharapur on 26.10.1982 requesting that his name be entered in the priority register, Saharapur and Khandempura Road for re-engagement. A copy of this application is annexed hereto and marked as Annexure A-3.

4.4. On this application the Area Officer made remark that the name of the applicant should be placed on the priority register because the applicant fulfilled all the conditions and as such he is entitled to be appointed vide vacancies after observing all the formalities.

4.5. That thereafter the applicant was engaged on 1.12.1982 and worked upto 19.4.1984 for 135 days under

135-82
14.4.84
A. Singh
[Signature]

[Signature]

20-8-80
16-8-80
3-5-76
2008

Chief Permanent Way Inspector, Saharanpur. A copy of the certificate is annexed hereto and marked as Annexure A-4.

Annex. A-4

4.6. That in between the applicant was deputed to pick up the duties of Shunting porter from 8.7.83 to 22.7.1983. A copy of the certificate issued is annexed hereto and marked as Annexure A-5.

Annex. A-5

4.7. That thereafter the applicant's services were not engaged and as such the applicant met the Divisional Superintending Engineer (C) Ambala Cantt. regarding his re-engagement.

4.8. That in terms of his D.O. letter, the Divisional Superintending Engineer (C) Ambala wrote to Shri A.K. Sharma, A.E., Saharanpur that the applicant had worked as Khallas under P.W.I., Ambala as well as C.P.W.I. Saharanpur but his name does not appear in the live casual labour register. That the Assistant Engineer was therefore directed to submit detailed reports as to how the name of the applicant has been omitted from the live casual labour register. A copy of this D.O. letter is annexed hereto and marked as Annexure A-6.

Annex. A-6

4.9. That Shri A.K. Sharma, A.E., Saharanpur however gave the reply on 16.5.1989 indicating that the name of the applicant could not be placed on the live casual labour register because he had not served as a Casual labour prior to 28.8.1978 nor his recruitment after August 1978 was as per approval of the General Manager. It was however indicated that the applicant had worked for 135 days under C.P.W.I. Saharanpur. A copy of this letter is annexed hereto and marked as Annexure A-7.

Annex. A-7

19-112

4.10. That the aforesaid information given by Shri R.K. Sharma was incorrect because the applicant had worked in 1976 and as per Railway Board instructions those who had been appointed prior to 28.8.1978 no approval was required from the General Manager. The Railway Board instructions only provide that after 28.8.1978 no fresh case of casual labour be engaged without approval of the General Manager. Therefore the Railway Board instructions regarding approval of the General Manager did not apply to the applicant and the reply given by the Asstt. Engineer, Saharanpur was factually incorrect.

Annex. A8

4.11. That the aforesaid information was conveyed by the Divisional Superintending Engineer (C) Ambala to the applicant on 12.2.1990. A copy of which is annexed hereto and marked as Annexure A-8.

Annex. A-9

4.12. That the applicant thereafter submitted a representation to the Divisional Superintending Engineer, Ambala Cantt on 11.6.1990 in which the applicant had submitted that the applicant had worked from 3.5.1976 to 14.5.1976 and again from 15.5.1976 to 30.5.1976 for 28 days under P.W.T. Jagadix; thereafter he had worked under P.W.T., Ambala and P.W.T., Saharanpur and as such the applicant requested the Divisional Superintending Engineer (C) Ambala to re-engage the services of the applicant. A copy of this representation is annexed hereto and marked as Annexure A-9.

Annex. A-9

4.13. That having received no reply from the D.S.E. Ambala the applicant submitted another representation to the Chief Personnel Officer, Northern Railway, H.O. Office, Baroda House, New Delhi in the year 1992.

10

1992

20- A2

Annex. A-10

(date not indicated on the representation). A copy of which is annexed hereto and marked as Annexure A-10.

4.14. That in spite of representations to the Headquarter office neither the applicant has been re-engaged nor any reply has been given.

Annex. A-11

4.15. That a copy of the casual labour Card is annexed hereto and marked as Annexure A-11.

Annex. A-12

4.16. That in accordance with the Railway Board instructions the name of the casual labour who had worked after 1.1.1984 should automatically be placed on the live casual labour register and their services should be re-engaged in accordance with their seniority. A copy of this as letter is annexed hereto and marked as Annexure A-12.

4.17. That in spite of the Railway Board instructions and the representations of the applicant the respondents have not taken any action either to place his name on the live casual labour register or re-engage his similar services.

4.18. That the aforesaid action is illegal, arbitrary, and discriminatory, on the grounds as mentioned in para-5 below :

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

5.1. That the applicant had casually been engaged under P.W.T. Jagadit in 1976 and as such the approval of the General Manager for re-engagement of the applicant was not necessary.

Handwritten signature

5.2. That the Railway Board instructions only provide that any fresh face of casual labour engaged after 28.8.1978 should be with the approval of the General Manager so the said embargo does not apply to the applicant.

5.3. That the information given by the ASN Saharanpur to D.S.S. Ambala was not correct and factual position which resulted in injustice to the applicant and the said injustice has not been undone in spite of representations of the applicant.

5.4. That the juniors to the applicant are still working and the names of such juniors are mentioned in the representation (Annex. A-10).

5.5. That the impugned action of the respondents is arbitrary, discriminatory and mala fide.

6. DETAILS OF REMEDIES EXHAUSTED :

Representations of the applicant have not been replied.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT :

That the applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

filed
OK

8. RELIEF SOUGHT :

8.1. That this honourable Tribunal may be pleased to allow this application and direct the respondents to place the name of the applicant on the live casual labour register and re-engage his services with immediate effect because he's junior is working and the applicant has not been re-engaged only because his name was not placed wrongly on the live Casual labour Register.

8.2. That any other or further relief which this honourable Tribunal may be deem fit and proper under the circumstances of the case may also be granted in favour of the applicant.

8.3. That the cost of the proceedings may also be awarded in favour of the applicant.

9. TRAVEL EXPENSES AT THE STAGE OF :

9.1. That this honourable Tribunal may be pleased to decide this matter at the admission stage.

10. NOT AFFIRMED

[Signature]

23 8 12

11. PARTICULARS OF THE POSTAL ORDER ATTACHED :

(i) No. of Postal Order

(ii) Post Office from where issued

(iii) Date of issue of the postal order

12. LIST OF ENCLOSURES : AS PER INDEX

VERIFICATION

Applicant

Innocent Simon

1. Innocent Simon

s/o Sh. K. Simon

aged about 29-3-50 years, working as Ex. Khelam

in the office of Under ~~PTI~~ NR Merath

and r/o H/O 26/6 Anand Vikas Meest Road W/L Gdajabad
Hapur

do hereby verify that the contents of paras 1 to 4 of the above application are true and correct to the best of my knowledge and paras 5 to 12 are believed to be true on legal advice and that I have not suppressed any material fact.

of 6/1/85
R. Anand

Innocent Simon
Applicant

through

(B.S. MAINEE)
Advocate
240, Jagriti Enclave
Vikas Marg Extn.,
Delhi-110092
Tele No. 2202172
2416936

24-

A2

- 9 -

Annexure A.1

300 Pp

श्री ०५८० १९८३ L. 19-A
अवरल ९९ टोटा Gent. ९९ Small

भारत रेलवे NORTHERN RAILWAY

No. 3271/Genl/V/c/83

Dated 9.12.83

To,

The P.N.D.
N.E.Ly. Jagadhary.

Subj: Verification of Casual's labour Card
No. 192684 issued in favour of
Sh. Innocent s/o Sh. E. Simon.

Kindly arrange to verify that
Sh. Innocent s/o Sh. E. Simon had
worked for the following period:

3.5.76 to 14.5.76 = 12 days
15.5.76 to 30.5.76 = 16 days

Verified for
present on
7/1/84 again
found correct
by/manager

Alm
प्रतापराव निरिष्क
वायली- ३० दे०
Shanti

CTC

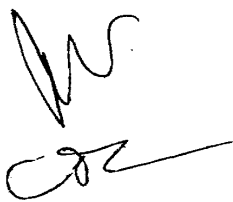
~~25~~

A2

XO - Annexure A2.

Certified that Sh. Innocent S/O S. E. Simon
Casual labour has worked from 16/9/80 To 25/9/80 (10c)
in my Section. His initial appointment is under
PWI-SKLSRE.


6/7/82
श्री १०० विभाग मा. १
उप. १०० विभाग मा. १
१०० विभाग मा. १
१०० विभाग मा. १



To,

The Area Officer,
Northern Railway,
SAHARANPUR.

Sir,

I beg to say that I have worked as a casual labour as under, kindly adjust me either at Saharanpur or Khanalampura Yard as a pointman or any other post vacant & oblige.

My name may kindly be entered in the priority register at SAHARANPUR and KHANALAMPURA YARD both.

History of Service as Casual Labour.

3.5.76 to 14.5.76	20 days	Under PWI, FRE
15.5.76 to 30.5.76		
16.9.80 to 25.9.80	10 days	Under PWI, UMD

Thanking you.

Dated: 26.10.1932.

Yours faithfully,
Innocent Simon
(Innocent Simon)
S/o Sh. E. Simon
Guard FRE.
Q.No. 471-D. Nly. Colony
Bhatnari Bugh,
Saharanpur.

SS SNE

This man I know
is asking for job
for a pretty long time.
Register his name
as priority register
as the rule falls all
the condition and
appoint him vice vacante
after observing all the
formalities.

SS SNE
AREA OFFICER
N. Ry. Saharanpur

27-

A 2

12

~~Amxlu AT~~

उत्तर रेलवे

NORTHERN RAILWAY

no. R 35

9-8/12/88

This name
does not
appear on the
list of 74 C.L.
Res. H.

SHE

H 27/4

Confirmed that SA. S. S. Simon
Casual Pay. KH. Res. Individual. Union. Sim. SRA.

For	No.	Following	Amount
1.12.82	70	30.12.82	= 80
31.12.82	14	1.1.83	= 15
15.1.83	14	2.8.3	= 37
15.2.83	20	2.8.3	14
1.3.83	14	4.8.3	= 45
Total			<u>135</u>

मुख्या रेल पथ निरीक्षक
उ० रेल, लखनऊ

for
CPC

~~28~~

~~12~~

- 13 -

Ameyan A.5

NORTHERN RAILWAY

As per attached Register
of July 83.

Sh Innocent Siem

Look pickup up of shly Port

from 8/7/83 to 21/7/83. (absent on 20/7/83)

He was directed to follow
orders.

21/7/83
स्टेशन-अधीक्षक
बिजन (उ० र०)

ku
C 72

29-

A2

44-

Annexure A6

उत्तर रेलवे
NORTHERN RAILWAY



R.K. COYAL
DSE/C/UMB

D.R.M.'s Office
Ambala Cantt.

D.O No. 207-E/O/II/NE/UMB

Dated: 27.4.1989.

My dear Sharma,

Subject:- Live casual labour register.

..

Shri E. Sern F/O Shri Innocent has met me regarding the appointment of his son who has previously worked as Khalasi for 10 days in Sept. 1980 under PWI/UMB & 135 days from 12/82 to 4/83 under CPRI/SRE.

On going through the record of live casual labour register it has been found that the name of his son does not appear on the list of live casual labour register supplied by you.

7

Please look into this case & submit the detailed remarks immediately as to how his name has been omitted.

With best wishes,

Examine & detached remarks to be submitted. Pl make draft reply to him. Pl be quick. Pl keep in view to help him.
Yours sincerely,
3/5 *HEW* / *SKC* (R.K. Coyal)

Shri R.K. Sharma,
AEN/SRS.

...

mu
COC

95

COPY

R. K. Sharma
New Delhi

Recd 12.2.17

Recd Shri Gopal

Sub: Live Casual Labour Register

Ref: Your D.O. No. 807 E/O/II/ML/MB dt 03.08.81

D.T. 16/3/89

~~Shri Gopal~~

~~Shri Gopal~~

The name of Sh. Incent s/o Sh. E. Somen
could not be included in the list of Live Casual Labourers
on account of his own fulfillment of eligibility
conditions. Neither he has served as casual labourer
prior to 28.8.75 nor he was recruited as per CM approval
for specific works like socially panchayat. He was
appointed by Sh. C. N. Vaidya the then CPWIRG in 12/80
and his total no of working days are 135 up to

4/19 83

With regards
Yours Sincerely

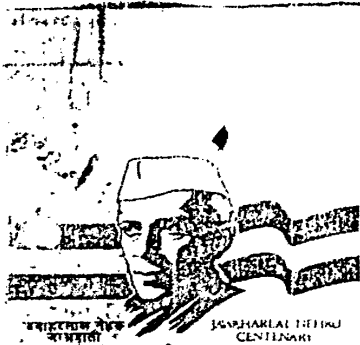
s/l

(R. K. Sharma)

New Delhi

Shri Gopal

Shri Gopal



उत्तर रेलवे
NORTHERN RAILWAY

No. 807-E/C/IX/NE/UMB.
Dated. 12/2/1990.

Office of the,
D.R.M.'s Office,
Ambala Cantt.

To
Sh. Innocent Simon,
S/O. Sh. S. Simon,
C/O. Cr-No. 319-2, Railway Colony,
Ambala Cantt.

Subject:- Live Casual Labour Register.

...

This has the reference to your application
Dt. 12/2/90 handed over personally to the undersigned.

In this connection this is to inform you that
the matter was referred to AEM/SRE who has replied
that due to non-fulfilment of eligibility conditions
such as neither he served as Casual Labour prior
to 28/8/78 nor he was recruited as per G.M. approval
for specific works like Security Patrolling
etc., his name could not be included in the
register of "LIVE CASUAL LABOUR".

Divl. Supdtg. Engineer/C.
N.Rly., Ambala Cantt.

....

for
C.R.

32
17
A2
A9

10.

The Divl. Supdtg. Engineer (Coord)
H. Rly., Ambala Cantt.

The Divl. Rly. Manager,
H. Rly., Ambala Cantt.

Respected Sir,

Sub:- Ex Application for appointment as any suitable
Class IV Staff.

With due respect I beg to bring to your kind notice
that I have worked under ~~xxx~~ the following subordinate
Incharges as under:-

PWI/JUD:	3.5.76 to 14.5.76	=12 days	1	28 Days.
	15.5.76 to 30.5.76	=16 "	1	
PWE/UMB	16.9.80 to 25.9.80	=10 "	1	10 "
P.I./SRR	1.12.82 to 30.12.82	=30 "	1	
	31.12.82 to 14.1.83	=15 "	1	
	15.1.83 to 14.2.83	=31 "	1	135 "
	15.2.83 to 23.2.83	=14 "	1)	
	1.3.83 to 14.4.83	=45 "	1	
	Total=		173	"

I am holding the Service record of the above period,
and thus I am entitled for appointment as a Class IV staff.

Hence I request your kindness that I may please
be appointed as a Class IV Staff in the Rly. under your
kind control so that I may earn my ~~livelihood~~ bread and
look after my retired very old father, who retired from
Rlys. as a Guard.

Thanking you.

Yours faithfully,

(Innocent Simon)

Ex Casual labour (Retired)

Dated 11.6.90

for
CTC

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The Chief Personnel Officer/Admn.
Headquarters Office, Baroda House,
New Delhi

Sub: Re-engagement.

Respected Sir,

With due respect & humble submission, I beg to lay down the following few lines for your kind consideration and favourable orders please.

1. That I have worked as casual labour under PWI/JUD w.e.f 3.5.76 to 30.5.76, totalling 28 days.

2. w.e.f 1.12.82 to 14.4.83 totalling 135 days PWI/SRE

That I have worked in the railways as casual labour 173 days on Delhi Division but it is ~~is xxxxxxxxxx~~ said to say that junior whose names are given with their designation as under

1. Sh. Maan Singh S/O Sh. Ballan Loco Khallasi under LF/SRE
2. Sh. Raja Ram S/O Sh. Paltu Asstt. Guard/SRE
3. Sh. ~~Saxena~~ Ram S/O Sh. Beeru Gangman/PWI/SPR
4. Sh. Joy Chand S/O Sh. Veer Bhadur Singh Gangman
5. Sh. Beeru S/O Bhartu Gangman/PWI/SRE

are working under DRM/Ambala on regular basis because their names on the same terms and condition was entered - ~~may~~ my name was not entered in the casual labour register. i.e. casual labour Register while I am having the authentic record of casual labour card duly signed by the subordinate incharges (necessary letter along with its other documents enclosed)

I have requested DRM/ND's many times who has directed me to go to DRM/Ambala. Since then nothing is happened because now DRM/UMB become a new division ~~xxxxx~~ I have no other alternative that to request you your honour that DRM/UMB may be suitably directed that my name may be entered in their casual labour register i.e. live casual labour Register as I have worked under PWI/JUDW, PWI/UMB, PWI/SRE which now those station are under the administrative controlled of DRM/UMB and accordingly I may be offered employment as my junior who are working against regular vacancies are not even matric passed but I have passed Matriculation examination and having genuine record. I request that it needs to be through investigation and my case may be considered sympathetically and necessary instruction to the DRM/UMB be issued so that my name on priority basis be entered in the live casual labour Register so that I may get suitable job in the department.

Thanking you,

Encl. as above.

Yours sincerely

Innocent Simon

(Innocent
S/O Sh. E. Simon

House No. 265/13.

Aras Vikas, Parnal Road

Pratap

1992

1. The Government of India
 2. The Government of Madras
 3. The Government of Bombay
 4. The Government of the Punjab
 5. The Government of the North-West Frontier Province
 6. The Government of the Sindh
 7. The Government of the Baluchistan
 8. The Government of the Federated States of India
 9. The Government of the princely States
 10. The Government of the Nizam's Dominions
 11. The Government of the British India
 12. The Government of the United Provinces of Agra and Oudh
 13. The Government of the United Provinces of Benares
 14. The Government of the United Provinces of Alwar and Merwatta
 15. The Government of the United Provinces of Jaipur
 16. The Government of the United Provinces of Bikaner
 17. The Government of the United Provinces of Jaisalmer
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 21. The Government of the United Provinces of Allahabad
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 27. The Government of the United Provinces of Mathura
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 29. The Government of the United Provinces of Bareilly
 30. The Government of the United Provinces of Almorah
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 32. The Government of the United Provinces of Muzaffargarh
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Any misuser of this card shall render his owner liable for any damage or loss of all kinds.

Any other form of evidence in support of his employment will not be taken cognizance of.

No claim for permanent absorption will be entertained without this card.

This card should invariably be produced at the time of every fresh appointment.

In case of loss, the fact should be immediately reported.

No duplicate card can be issued under any circumstances.

The person to whom this card is issued is responsible to the custody.

INSTRUCTIONS/REMARKS:



789261

Photography
Assisted by the
Subordinate

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अनियत मजदूर के रूप में काम करने का रिकार्ड
 RECORD OF SERVICE AS CASUAL LABOUR

कर्मचारी का नाम Name of the worker	प्रारम्भिक नियुक्ति की तारीख Date of initial employment	व्यवस्थापक का नाम Name of the Manager	व्यवस्थापक का पता Address of the Manager
1. 5-76	14-5-76	12	
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अनियत मजदूर के रूप में काम करने का रिकार्ड
 RECORD OF SERVICE AS CASUAL LABOUR

कर्मचारी का नाम Name of the worker	प्रारम्भिक नियुक्ति की तारीख Date of initial employment	व्यवस्थापक का नाम Name of the Manager	व्यवस्थापक का पता Address of the Manager
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Copy of Circular No. 2204/190-100/100/100 dated 20.10.1987
issued by GM(P), Northern Railway Board
Gwalior, Madhya Pradesh

Live Casual Labour Register.

1. Complaint from retrenched casual labour, who had worked earlier and are not re-engaged when subsequent requirements arise, have been subject of discussion at various ^{forums} ~~times~~, particularly the PWA of both the recognised union with G.E.

2. The issue has assumed more importance due to the restrictions imposed e.g. ban on the fresh intake and increase of the casual labour beyond strength from as on 1.1.1984. Further, in view of enormous strength of casual labour on this zonal railway of the order of about 47,000 at present, Railway Board are emphasising its curtailment from year to year by the means of declassification, absorption against regular vacancies and resorting to contractual agencies for doing additional work without discharging the existing casual labour, etc. etc.

3. Present seniority units for the casual labour on open line for the purpose of engagement and retrenchment is important-wise and for screening it is the Division. For project casual labour the seniority unit is a Division, as per recent supreme court judgment.

4. Whenever additional requirements of casual labour arise the same has to be met with the re-engaging casual labour who had earlier worked on the seniority unit and has been retrenched due to completion of ~~the~~ ^{his} work on the basis of their seniority by following provisions of Industrial Disputes Act, i.e. Last go, first in.

5. In order to ensure this, live casual labour registers are maintained in respective seniority units where the particulars of the retrenched casual labour are entered in the order of their seniority amongst other details the particulars listed below are to be entered into the registers to determine their seniority for re-engagement.

2
i) Name of employee

ii) Father's name

iii) Date of birth

iv) Educational qualification

v) Personal mark of identification

vi) Date of engagement

vii) Age at the time of initial casual labour employment.

viii) Nature of job in each occasion

ix) Date of retrenchment

x) Reason for retrenchment

xi) Signature of casual labour

xii) Signature of the supervisor (under whose supervision Live casual labour register is maintained)

6. Per Railway Boards letter no. E(NG)II/78/CL/2, dated 22.11.84 (PS 8634) Board had decided that if a casual labour who was earlier discharged from service on completion of work or for want of further productive work, has not worked on the Railway again for the two calendar years, his name should be struck off from the casual labour register.

7. Railway board have revised these instructions and have now vide their letter No. E(NG)II/78/CL.2 dated 25/4/86 (PS 8989) decided that the name of each casual labour who were discharged at any time up to after 1/1/81 on completion of work or for want of further productive work, should continue to be borne on the live casual labour registers and if the names of certain such labour have been deleted due to earlier instructions these should be restored on the live casual labour register. It was also stipulated in this letter that casual labour engaged for short duration like a week or days for emergencies or for restoration of breaches etc. will however continue to be governed by Board letter No. E/NG/II/80CL/5, dated 10/12/84 PS 8989 and such casual labour will not be issued any casual labour card and shall not be

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7. continued on the casual labour registers.

8. Again as a result of Hon'ble Supreme Court order dated 23/2/1987 Railway board vide their letter no. E/NG/11/64/CB/41, dated 2/3/87 (PS 9191) and dated 4/3/87 PS No. 9195 directed that the casual labour both on projects and be given an opportunity to be considered and placed on the live casual labour registers provided they represent to the Administration on or before 31.3.1987.

9. From the above discussions, it is to summarise that while maintaining live casual labour registers, those casual labour discharged prior to 1.1.1981 and had not worked for two years, their names should be deleted except such casual labour who had made special representation in terms of PS no. 9191 and 9195 (to be executed upto 31.3.87) and cannot be considered eligible further, all casual labour discharged after 1.1.81 their names are to be continued on the live casual labour register indefinitely.

10. Further, it is obvious that if any requirements of casual labour in the seniority unit arise, the same is to be met with by re-engaging casual labour register of that seniority unit in order of seniority on the principle of last go first in. If there are no persons on live casual labour registers, the casual labour borne on the casual labour borne on the casual labour registers of the adjacent units must be invoked before resorting to any fresh intake.

11. If no casual labour is available on live casual register and fresh intake has to be resorted to (with approval of competent authority which at present is vide PS 3(1.91) preference should be given to those casual labour who had earlier worked on Railways, but their names have been deleted from the live casual labour registers as per extant instructions and if such labour is not available only then fresh labour should be recruited.

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12. It is also clarified that as per contract orders, if a casual labour retrenched on completion of work, does not accept the offer made to him or does not ^{up} turn up to work when offered, or availability of fresh work, he loses the benefit of previous spell of his employment as casual labour (PS No. 8534).

13. The controlling officers/senior Gazetted Officers of each seniority units, are required to ensure that such live casual labour registers are maintained by the concerned staff and surprise checks should be organised and action should be taken against the defaulting staff. These registers must be reviewed once a quarter.

14. The instructions should be brought to the notice of all concerned, dealing with casual labour, particularly Sr. Subordinates and Asstt. Officers and ensure that suitable checks and monitoring that these & live casual labour registers are carefully maintained updated and utilised for purpose of re-engagement of casual labour.

cd/.

(S.S. Bal)
 Sr General Manager (P)

C-TC

APL

for

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

EALIDKOT HOUSE
COOPERIDBS, MARG
NEW DELHI-110001.

DATED: 21/11/96

11954/3

From: Registrar
Central Administrative Tribunal
Principal Bench, New Delhi.

To,

1. Shri B.S. Mainee,
Counsel for the Applicant,
CAT, Bar Room,
New Delhi.
1. Shri R.L. Dhawan,
Counsel for the Respondent,
C-8, Anand Vihar,
Bazidpur
New Delhi -110092.

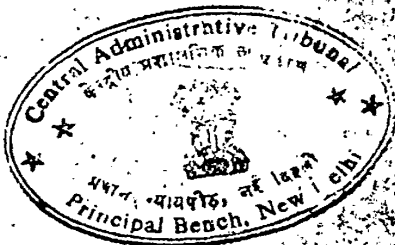
Shri Innocent ~~Simon~~ SIMON Applicant(s) O.A. No. 103/95

Versus
Union of India Respondent(s).

Sir,

I am directed to forward herewith a copy of order dated
18/11/96 passed by this Tribunal in the above mentioned
case information and necessary action if any.
Please acknowledge receipt.

(SECTION OFFICER)
JUDL. II.
FOR REGISTRAR.



for
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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-103/95
OA-712/95
OA-1270/95

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN
HON'BLE MR. S.P. BISWAS, MEMBER(A)

New Delhi this the 18th day of November, 1996.

OA-103/95

Shri Innocent Simon,
S/o Shri E. Simon,
R/o 263/B Awas Vikas,
Hapur, Distt. Ghaziabad. Applicant

(through Shri B.S. Mainee, advocate)

versus

Union of India through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
Ambala.
3. Divisional Superintending Engineer(C),
D.R.M. Office,
Ambala Cantt. Respondents

(through Shri R.L. Dhawan, advocate)

OA-712/95

Shri Partap Singh,
S/o Shri Sajjan Singh,
R/o WZ 337 Vill. Palam,
New Delhi. Applicant

(through Shri B.S. Mainee, advocate)

versus

Union of India through

1. The General manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.
3. The Permanent Way Inspector,
Northern Railway Jind Jn. Respondents

(through Shri R.L. Dhawan, advocate)



49 13
-2-
OA-1270/95

Shri Om Prakash Soni,
S/o Shri Daya Ram Soni,
R/o H-16/512, Hardhyan Singh Road,
Bapa Nagar, Anand Parwat,
Karol Bagh,
New Delhi.

..... Applicant

(through Shri H.P. Chakravorty, advocate)

versus

1. Union of India through
the Principal Secretary
to Government of India,
Ministry of Railway,
Chairman, Railway Board,
Rail Bhawan, New Delhi.
2. The General Manager,
Central Railway,
Bombay VI.
3. The Divisional Railway Manager,
Central Railway, Jhansi. Respondents

(through Shri H.K. Gangwani, advocate)

The applications having been heard on 18.11.1996 the
Tribunal on the same day delivered the following:

ORDER

Chettur Sankaran Nair(J), Chairman

A Applicants seek directions to respondents
to enlist their names in the Live Casual Labour
register, basing their claims on A-12 circular
(OA-103/95). According to respondents, the benefit
conferred by A-12 circular is controlled by the
stipulations in Rule 179 (13) of the Indian Railway
Establishment Manual Volume 1. - We direct respondents
to examine on the facts, whether applicants will
qualify for the benefits and inform the position to
them. This will be done within four months from today.

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We make it clear that this direction by itself will not confer a cause of action on applicants. A

With the aforesaid direction, we dispose of the applications. No costs.

(S.P. Biswas)
Member(A)

(Chettur Sankaran Nair(J))
Chairman

/vv/

True copy
10/10/77
12/11/76

PRITAM SINGH
Joint Secretary
Central Administrative Tribunal
Principal Bench
Indraprastha, New Delhi



प्रमाणित सत्यप्रतिनिधि
CERTIFIED TRUE COPY
दिनांक/Dated.....

अनुभाग अधिकारी/Section Officer
केन्द्रीय प्रशासनिक अदालत
Central Administrative Tribunal
प्रधान न्यायाधीश, नई दिल्ली
Principal Bench, New Delhi

Handwritten signature at the bottom left of the page.

उत्तर रेलवे
NORTHERN RAILWAY

No.726-B/Misc/4-2B/UMB
Dt.21/10/98

Divisional Office,
Ambala Cantt.

The General Manager(P)
Northern Railway,
HQ Office, Baroda House,
New Delhi.

Sub:- Re-engagement of Sh. Innocent Simon s/o Sh. R-Simon
in group 'D' in Ambala Division.
Ref: CAT/NRDS orders dated 18.11.96 in OA No.109/95 in
favour of Innocent Simon.

The Hon'ble Central Administrative Tribunal Principal Bench New Delhi has disposed off the above said OA on 18.11.96 with a direction to dispose off applicant's representation dated 11.6.90 addressed to DDM/UMB and other representation dated NIL addressed to CPO(Admn) Baroda House New Delhi in accordance with rules and instructions on the subject preferably within four months from the date of issue of this order. The applicant has mentioned in his application dated 11.6.90 and other representation dated NIL that he had worked as casual labour from 3.5.76 to 30.5.76 under PWI/JUDW 16.9.80 to 25.9.80 under PWI/UMB and 01.12.82 to 14.2.83 under PWI/SRE and he may be given employment in the Railways on the ground that other casual labours who had worked with him and also his juniors have been given employment in the railway.

2. This is to inform that the working period of the applicant as casual labour from 3.5.76 to 30.5.76 under PWI/JUDW 16.9.80 to 25.9.80 under PWI/UMB and 01.12.82 to 14.4.83 under PWI/SRE have been got verified and found correct as per record. The applicant may be considered for re-engagement as Safaiwala/C&W cleaner Gr.2550-3200(RP) in the UMB Divn. as the other casual labours whose names are on casual labour live register having less number of working days than the applicant are being called for consideration for re-engagement as S/wala/C&W cleaner grade Rs.2550-3200(RP) in UMB Division.

3. In view of the position explained above, the approval of the competent authority to enlist the name of Shri Innocent Simon in the casual labour live register and to re-engage him as Safaiwala/C&W cleaner may kindly be obtained and the same may be communicated to this office, so as to comply with the directions of the Hon'ble Tribunal.

DA/CAT-NRDS Judgement
dated 18.11.96

2. Representations of the
applicant dt. 11.6.90 & other
dt. NIL.

(J.L. VERMA)

Asstt. Personnel Officer-I,
for Divn. Railway Manager,
N.Rly., Ambala Cantt.

for
CAT

Sub: Live Casual Labour Register.

1. Complaint from retrenched casual labour, who had worked earlier and are not re-engaged when subsequent requirements arise, have been subject of discussion at various ^{forums} ~~forums~~, particularly the PNHs of both the recognised union with C.E.
2. The issue has resumed more importance due to the restrictions imposed e.g. ban on the fresh intake and increase of the casual labour beyond strength from as on 1.1.1984. Further, in view of enormous strength of casual labour on this zonal railway of the order of about 47,000 at present, Railway Board are emphasising its curtailment from year to year by the process of decasualisation, absorption against regular vacancies and resorting to contractual agencies for doing additional work without discharging the existing casual labour, etc. etc.
3. Present seniority unit for the casual labour on open line for the purpose of engagement and retrenchment is inspector-wise and for screening it is the Division. For project casual labour the seniority unit is a Division, as per recent supreme court judgment.
4. Whenever additional requirements of casual labour arise the same has to be met with the re-engaging casual labour who had earlier worked on the seniority unit and has been retrenched due to completion of ~~work~~ be done on the basis of their seniority by following provisions of Industrial Disputes Act, 1947. Last go, first in.
5. In order to ensure this, live casual labour register are maintained in respective seniority units where the particulars of the retrenched casual labour are entered in the order of their seniority amongst other details the particulars listed below are to be entered into the registers to determine their seniority reengagement.

2 20/11/84 Hm 14-27 48

i) Name of employee

ii) Father name

iii) Date of birth

iv) Educational qualification

v) Personal mark of identification

vi) Date of engagement

vii) Age at the time of initial casual labour employment.

viii) Nature of job in each occasion

ix) Date of retrenchment

x) Reason for retrenchment

xi) Signature of casual labour

xii) Signature of the supervisor (under whose supervision Live casual labour register is maintained)

6. Per Railway Board's letter no. E(NG)II/78/CL/2, dated 22.11.84 (PS 8634) Board had decided that if a casual labour who was earlier discharged from service on completion of work or for want of further productive work, has not worked on the Railway again for the two calendar years, his name should be struck off from the casual labour register.

7. Railway board have revised these instructions and have now vide their letter No. E(NG)II/78/CL.2 dated 25/4/86 (PS 8989) decided that the name of each casual labour who were discharged at any time ~~on~~ after 1/1/81 on completion of work or for want of further productive work, should continue to be borne on the live casual labour registers and if the names of certain such labour have been deleted due to earlier instructions these should be restored on the live casual labour register.

It was also stipulated in this letter that casual labour engaged for short duration like a week or days for emergencies or for restoration of breaches etc. will however continue to be governed by Board letter No. E/NG/II/80CL/5, dated 10/12/84 PS 8989 and such casual labour will not be issued any casual labour card and shall not be

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retained on the casual labour registers.

8. Again as a result of Hon'ble Supreme Court order dated 23/2/1987 Railway Board vide their letter no. E/NG/11/84/CL/41, dated 2/3/87 (PS 9191) and dated 4/3/87 PS No. 9195 directed that the casual labour both on projects and be given an opportunity to be considered and placed on the live casual labour registers provided they represent to the Administration on or before 31.3.1987.

9. From the above discussions, it is to summarise that while maintaining live casual labour register, those casual labour discharged prior to 1.1.1981 and had not worked for two years, their names should be deleted except such casual labour who had made special representation in terms of PS no. 9191 and 9195 (to be executed upto 31.3.87) and considered eligible further, all casual labour discharged after 1.1.81 their names are to be continued on the live casual labour register indefinitely.

10. Further, it is obvious that if any requirements of casual labour in the seniority unit arise, the same is to be met with by re-engaging casual labour register of that seniority unit in order of seniority on the principal of last go first in. If there are no persons on live casual labour registers, the casual labour borne on the casual labour borne on the casual labour registers of the adjacent units must be invoked before resorting to any fresh intake.

11. If no casual labour is available on live casual registers and fresh intake has to be resorted to (with approval of competent authority which at present is WRM, Jp. D.) preference should be given to those casual labour who had earlier worked on Railways, but their names have been deleted from the live casual labour registers as per extant instructions and if such labour is not available only then fresh labour should be recruited.

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- 4 -

12. It is also clarified that as per extant orders, if a casual labour retrenched on completion of work, does not accept the offer made to him or does not turn out to work when offered, on availability of fresh work, he loses the benefit of previous spell of his employment as casual labour (P# No. 8534).

13. The controlling officers/senior Gazetted Officers of each seniority units, are required to ensure that such live casual labour registers are maintained by the concerned staff and surprise checks should be organised and action should be taken against the defaulting staff. These registers must be reviewed once a quarter.

14. The instructions should be brought to the notice of all concerned, dealing with casual labour, particularly Sr. Subordinates and Asstt. Officers and ensure that suitable checks and monitoring that these a live casual labour registers are carefully maintained updated and utilised for purpose of re-engagement of casual labour.

ed/-

(S. S. Hall)
P.O. General Manager (P).

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

O.A. No. 1220 of 1988(T)

Mithai Lal ...

vs. Union of India
& Others

O.A. No. 1220/1988

14/3/89

Hon'ble Justice Kamleshwar Nath, V.C.

Hon'ble Mr. K.J. Ramon, Administrative M.

This application under section 19th of the Administrative Tribunal Act, 1985 is for issue of direction to absorb the applicant Mithai Lal on regular vacancy in category 'D' post under the Divisional Railway Manager, Northern Railway opposite part No. 2.

2. The affidavits and charges and arguments of learned Counsel for both parties have been heard on the merits of the case and, therefore, we proceed to decide this application finally.

3. It was not disputed that the applicant was a casual labour Gangman in the Northern Railway from some time in February, 1976 upto 28.8.85 in broken periods (vide Annexure-I). This broken period inter alia included a continuous period of 142 days between 14th November, 1974 to 14th March

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77 (vide Annexure - II). Since 28.8.85 the applicant has been out of job.

4. This application was filed on 5.12.88 and the case briefly put is that since the applicant had worked as casual labour for a very long time, including continuous period of more than 120 days, and even as late as 28.8.85, the applicant was entitled to the benefit of a circular dated 20.8.87 issued by General Manager (Est), Northern Railways Headquarters Office, New Delhi (Annexure-IV). The said circular was issued on the basis of certain decisions of the hon'ble Supreme Court. It is urged that it was duty of the opposite party to maintain a live casual labour register and retain the name of the applicant therein. It is said that if ~~known~~ it was done, the applicant would have been re-employed as casual labour in course of time, because persons who were even junior to him as casual labour have already been given employment.

5. The main point urged on behalf of opposite party is that it was the duty of the applicant to apply to the concerned authorities for placing his name on the live casual labour register, but since he failed to do so, it was not possible to include his name, connected with this is the plea that since the

per
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applicant was out of employment since 28.8.85
this application is barred by the rule of limitation
contained in section 21 of the Act. It is also
urged that the nature of relief sought by
the applicant is not capable of being given by
this Tribunal.

6. A close examination of the circular dated
20.8.87 makes two things clear. Firstly the
responsibility of making a representation to
include the name in the live casual labour
register is confined to those who had been discharged
before 1.1.1981 (vide para 6). Since the applicant
was discharged after 20.8.85 the requirement of
making an application by the applicant himself
does not apply.

7. Secondly, the duty of maintaining the
live casual labour register is upon the opposite
party suomoto. It was not the duty of any of
the casual labour to require the opposite party
to maintain the register and keep entries
therein. Para 7 of the circular clearly says
that the Railway Board had decided that the names
of each casual labour discharged at any time after
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should continue to be borne out on live casual labour register and if such has been deleted it ought to be restored on their register. Again in para 9 it is specifically stated that of all these casual labourers discharged after 1.1.1981 their names are to be continued on the live casual labour register ~~xxx~~ indefinitely. These contents of the circular leave no manner of doubt that in respect of the applicant who has been discharged after 28.1.85, it was the clear duty of the opposite parties to retain his name on the live casual labour register, so much so, that if it happened to be deleted, it had to be restored by them on their own motion and retained indefinitely.

3. This being the situation, the applicant's cause for being placed on the live casual labour register and to be reemployed is a recurring cause from day to day under the decision of the Railway Board itself, and there is no question of the claim being barred by limitation under section 21 of the Act.

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9. Even so, there is substance in the contention on the opposite party that the applicant cannot get relief in the terms in which it has been sought. Nevertheless he is entitled to such relief as is legally admissible to him. We, therefore, direct that the opposite party shall give an appointment to the applicant as casual labour on the first available vacancy and retain his name on the live casual labour register for the purpose. We also direct that the case of the applicant for regularization shall be considered in accordance with the applicable rules. No order as to costs.

Member (A)

sd/-

(Vice Chairman)
Dt. 16.3.89

True copy

per
[Signature]

रजिस्टर्ड।

सं. 726ई/मिस./कै.वै./पी2बी/अम्ब.

मंडल कार्यालय, अम्बाला।

दि. 9.3.99

ओ.एस. नं. 157/पी2बी/अम्ब.

श्री सुन्नोसैट साईमल
द्वारा श्री करनपाल, निकट ए. पी.एस. स्कूल,
नवोन नगर, महारनपुरी उ.प्र.

विषय:- श्री सुन्नोसैट साईमल पुत्र श्री ई.साईमल की मै.प्रमिक के रूप
में कार्य करने के आधार पर ग्रुप "डी" में पुनर् नियुक्ति के
द्वारे में।

संदर्भ:- महाप्रबन्धक/का.नईदिल्ली के पत्र सं. 220ई/190/कैट/दिल्ली/
अम्बाला/ई.4 दि. 11.2.99 के संदर्भ में

कैट/नईदिल्ली के ओ.एस. 103/95 में दि. 21.11.96 को
परित आदेश के संदर्भ में।

उक्त विषय पर कैट/दिल्ली के दि. 21.11.96 के आदेश के
तहत मंडल अभियंता-1/अम्बाला उ.प्र. के पत्र सं. 494. डबल्यू.ई./कैट/भाग-3
/अम्ब. दि. 30.4.97 के द्वारा कैजुअल लाईफ रजिस्टर में दर्ज कर दिया
गया है। तत्पश्चात् तत्सम अधिकारी के अनुमोदन के पश्चात् केस में अग्रिम
कार्यवाही एवं अनुमोदन प्रधान कार्यालय, उ.प्र. नईदिल्ली को भेज दिया
गया है।

महाप्रबन्धक, उ.प्र. नईदिल्ली की अनुमति प्राप्त होने के पश्चात्
अग्रिम कार्यवाही की जायेगी।

डा. प्रवीण सिंह
कृते मंडल रेल प्रबन्धक/कार्मिक,
अम्बाला उ.

प्रति:- महाप्रबन्धक/विविध शाखा, प्र.का. बडौदा हाउस, नईदिल्ली को
उनके उक्त पत्र के संदर्भ में व इस कार्यालय के पत्र सं. 726ई/मिस./
पी2बी/अम्ब. दि. 22.10.98, 12.1.99 के द्वारे में।

2. मुख्य निधि सहायक/अम्बाला उ.

55- A-7
15/5/90
NORTHERN RAILWAY
NO. 494-WE/CAT/Pt. III/UMB
Dated: 30.4.97

(156)
DIVL. OFFICE
AMBALA CANTT

DPO/UMB.

Sub: Court Case of innocent simon Ex. Casual labourer
O.A No. 103/95 reg. Registration of name in
Live Casual Labour Register.

Ref: Your office No. 847-E/Engg./Innocent Simon/P-3
dt. 30.4.97.

Ref. to your above cited letter it is to inform
that the name of innocent Simon S/O Sh. E. Simon, ex casual
labour khalasi, has since been entered in the Live Casual
Labour Register maintained by PWI/SRE at Gr. No. 1. This is
for your information please.

22nd
Divl. Engineer-I
N. Rly., Ambala Cantt.

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14/12/2000 ✓

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
AT NEW DELHI

O.A./C.P./M.A.

No. 1217/2000

D

Sri Innocent Simon

... Applicant

Versus

Union of India & Others

... Respondents

14/12 ✓

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Wm
5/12/2000

भारत सरकार
Filed
2 DEC 2000
नॉटिस नं./ NO... 12580
उप-निर्देशक/Dy. Registrar

New Delhi
Date 5/12/2000

Residential Address:
J.L.122, L Block,
HARI NAGAR, NEW DELHI-110064.
(Tel. 5135429, 5491553)

R.P. Agarwal
(R.P. AGARWAL),
Advocate for Respondents,
Senior Govt. Counsel, & Rly Adv
CAT BAR ROOM,
FARIDKOT HOUSE, NEW DELHI.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH : NEW DELHI

OA NO. 1217/2000

In the matter of:

Innocent Simon

Applicant

Versus

Union of India & ors.

Respondents

Para 1

This Hon'ble Tribunal in OA no. 103/95 - Innocent Simon Vs. UOI vide order dated 18.11.96 passed the following order:

"Applicants seek directions to respondents to enlist their names in the Live Casual Labour register, basing their claims on A-12 circular (OA - 103/95). According to respondents, the benefit conferred by A-12 circular is controlled by the stipulations in Rule 179 (13) of the Indian Railway Establishment Manual Volume 1. We direct respondents to examine on the facts, whether

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applicants will qualify for the benefits and inform the position to them. This will be done within four months from today. We make it clear that this direction by itself will not confer a cause of action on applicants."

Accordingly, the case of the applicant was examined and he was duly informed that his name cannot be entered in Live Casual Register vide letter no. 6.7.99 (Annexure A-1). The applicant has no cause of action as this was made clear by the Hon'ble Tribunal in their order dated 18.11.96 that the directions given in the order will not confer a cause of action on the applicant.

Para 2

Matter of record.

Para 3

The application is barred by limitation as cause of action, if any, would have arisen when he was disengaged/his name was not entered in Live Casual Labour Register in 1987 whereas the application has been filed in May, 2000.



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Para 4

FACTS OF THE CASE

4.1

Admitted to the extent that applicant has worked as casual labour for the period from 3.5.76 to 30.5.76 under PWI Northern Railway office/Jagadhari - Workshop and again from 16.9.80 to 24.9.80 under PWIN Rly, Ambala and further from 1.12.82 to 14.2.83 under PWI Northern Railway/Saharanpur. But he failed to get his name entered in the Live Casual Labour register in 1987 when other names were entered.

Para 4.2 to 4.4 Matter of record.

Para 4.5

That in compliance to the directions of Hon'ble CAT/NDLS orders dated 18.11.96 the name of the applicant was entered in the Live Casual Labour Register maintained by the Engineering department vide Divisional Engineer-I, N. Rly, Ambala Cantt. letter no. 494-WE/CAT/Pt. IIII7UMB dt. 30.4.97 without approval of competent authority. On the basis of this, the case of the applicant was referred to the office of General Manager (P), N.

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Rly, New Delhi for obtaining approval of the competent authority for placing the name of the applicant in the Casual Labour Live Register and his engagement as substitute S/Wala Gr. C&W cleaner. On examination, ~~in~~ the office of General Manager (P) (Respondent no. 1) intimated that the case of the applicant for entering his name in the Live Casual Labour Register cannot be considered in terms of Railway Board instructions issued vide letter no. E/NG/11/34/CL/41 dt. 2.3.87 (Annexure R-1). As per these instructions, names of all these casual labour who have worked as casual labour prior to 1.1.81 and whose services were terminated for want of work should be entered in the Live Casual Labour register for considering them in Group D vacancies becoming available in near future. In this case, although the applicant has worked as casual labour for. The period from 3.5.76 to 30.5.76 and from 15.9.80 to 25.9.80, but he failed to get his named registered in the casual labour live register up to 31.3.87 as per instructions dt. 2.3.87.

[Signature]

[Handwritten signature]

in reply, it is submitted that after the name of the applicant was entered in the live casual labour register by Divisional Engineer I, M. RLY Ambala Cantt vide letter dt. 30.4.97 without following the RLY. Bd. instructions dt. 12.3.87, the case of the applicant referred by the Divl. RLY Manager, M. RLY, Ambala Cantt, office (Respondent no. 2) to the office of GM (P), M. RLY New Delhi for obtaining approval of the competent authority General Manager (P), M. RLY, New Delhi (Respondent no. 1) who is the competent authority to decide the case of the applicant, ^{who} intimated that the case of the applicant can't be considered in terms of RLY. Bd. instructions dated 2.3.87 on the subject. Accordingly, the applicant was intimated vide letter 6.7.99 that his name cannot be entered in the casual labour live register as he failed to get his name entered in the casual labour live register within the time period i.e. upto 31.3.87.

Para 4.7

Matter of record.

Para 4.6

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Para 4.9 Denied and stated ^{That} the decision conveyed to the applicant vide letter dt. 6.7.99 is not contrary to law. It is as per instruction on the subject.

Para 4.10 Since the applicant has failed to make any representation upto 31.3.87 for entering his name in the casual labour live register as such he has no claim for entering his name in the casual labour live register at this stage in terms of instructions dt. 2.3.87.

Para 4.11 Denied. As stated, the order dt. 6.7.99 is as per instructions on the subject.

5. GROUNDS FOR RELIEF

/5.1 Since the applicant has failed to approach the Railway Administration to enter his name in the Live Casual Labour Register within the time limit, as such he has no claim at this stage in terms of instructions 2.3.87.



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Para 5.2 As already stated above, the applicant has failed to get his name registered within time limit as such he has no claim at the stage in terms of instructions dt. 2.3.87.

Para 5.3 That orders of Hon'ble Tribunal finally stands complied with vide letter 6.7.99.

5.4 In reply, it is submitted that name of the applicant was entered in the casual labour live register by the Divisional Engineer I, R. Rly Ambala Cantt vide letter dt. 30.4.97 without obtaining approval of competent authority from the office of GM(P), N. Rly Baroda House, New Delhi (Respondent no. 1). Hon'ble CAT/NDLS vide order dt. 18.11.96 in OA no. 1220/95 directed the respondents to examine the case of the applicant. Accordingly, the applicant has been advised vide letter dt. 6.7.99 that his claims are not tenable as per instructions dt. 2.3.87 on the subject.

Para 5.5 Since the name of the applicant was entered in the live casual labour register by the Divisional



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Engineer vide letter dt. 30.4.97 without obtaining approval from the competent authority, as such the applicant has been intimated vide letter dt. 6.7.99 that this name can't be entered in the casual labour live register at this stage.

Para 5.6 Denied as stated. The order dt. 6.7.99 is as per instructions on the subject.

Para 6 & 7 Matter of record.

Para 8 In view of the facts given in reply to Paras 1,4 and 5 of the OA, the applicant is not entitled to any relief as sought in Para 8.1 to 8.4. Further, application is also barred by limitation.

Para 9 & 10 Formal.

Respondents
Divisional Personnel Officer,
Northern Railway,
AMBALA C.A. 135001.
(R.P. Agarwal)
Railway Advocate

VERIFICATION

I, Dr (Mrs) . P. K. Singh working as
D.P.O., N.Rly, Ambala, do hereby verify
that the contents of Paras 1 to 12 of the reply to
OA are correct and based on official records.
Nothing has been concealed/suppressed.

Respondents
Divisional Personnel Officer,
Northern Railway,
AMBALA C.A. 135001

In the Central Administrative Tribunal
Principal Bench: New Delhi
O.A No 1217/2000

Shri Innocent Simon

... Applicant II

(A) V. O. I & others

Versus

... Respondents

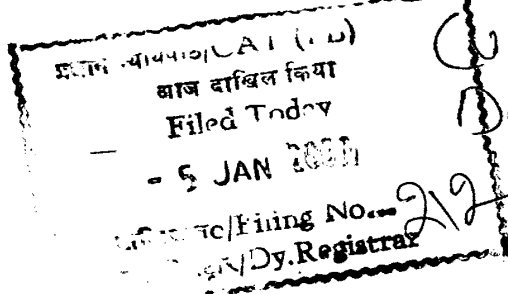
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1.	Rejoinder on behalf of the Applicant	1-4A

P. O. A. 5/1/2001

Date = 5/1/2001
New Delhi

(B. S. Mainee)
Advocate
240, Tagiti Enclave,
Wilcas Marg (Ext)
Delhi - 110099



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH : NEW DELHI

O.A.NO. 1217/2000

In the matter of :

Shri Innocent Simon

... Applicant

versus

Union of India & others

... Respondents

REJOINDER ON BEHALF OF THE APPLICANT MOST RESPECTFULLY

SHOWETH :

1. Para-1 of the counter reply as stated is wrong and denied and para-1 of the O.A. is reiterated. The case of the applicant has not been decided in accordance with rules.
2. Para-2 of the application has not been denied by the respondents.
3. Para-3 of the counter reply is wrong and denied and para-3 of the O.A. is reiterated.
- 4.1. Para-4.1 of the O.A. has been admitted by the Respondents. Rest of the para is wrong and denied. The name of the casual labours have to be placed on the live casual labour register by the Respondents themselves suo moto and indefinitely as per the scheme issued by the Railway Board. The Respondents have failed to explain as to why the name of the applicant has not been placed

while name of other casual labours were placed.

4.2 to 4.4 : Paras 4.2 to 4.4 of the application have not been denied by the Respondents.

4.5. Para-4.5 of the counter reply has not been denied by the Respondents. Rest of the para is wrong and denied. The so called decision by the General Manager is contrary to the rules as framed by the Railway Board as indicated in the subsequent paragraphs.

4.6. Para-4.6 of the application has not been denied by the respondents.

4.7. Para-4.7 of the O.A. has not been denied by the Respondents. In this para the Respondents are deemed to have admitted that junior to the applicant had been called for consideration for re-engagement but the applicant was not called. The so called decision given by the General Manager is in violation of the rules as laid down by the Railway Board. In accordance with the Railway Board instructions special representation is required to be made only by those who had been discharged prior to 1.1.1981 for want of further work by 31.3.1987. So far as those who had been discharged after 1.1.1981 no such representation was required to be given.

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The interpretation of the Respondents is incorrect.

This issue had been decided by this honourable Tribunal in several cases. The scheme as laid down by the Railway Board is absolutely clear and unambiguous.

4.9. Para-4.9 of the counter affidavit is wrong and denied and para-4.9 of the O.A. is reiterated.

4.10. Para-4.10 of the counter reply is wrong and denied and para-4.10 of the O.A. is reiterated. As per the scheme of the Railway Board and various judgements of this honourable Tribunal special representation was required to be made upto 31.3.1987 by those who had been discharged prior to 1.1.1981 and no such representation was required to be given by those casual labours who have been discharged after 1.1.1981 their names have to be placed on the live casual labour register themselves suo moto and indefinitely.

4.11. Para-4.11 of the counter affidavit is wrong and denied and para-4.11 of the application is reiterated.

5.1. Para-5.1 of the counter affidavit is wrong and denied and para-5.1 of the application is reiterated.

5.2. Para-5.2 of the counter affidavit is wrong and denied and para-5.2 of the O.A. is reiterated.



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5.3. Para-5.3 of the counter affidavit is wrong and denied and para-5.3 of the application is reiterated.

5.4. Para-5.4 of the counter affidavit is wrong and denied and para-5.4 of the application is reiterated.

5.5. Para-5.5 of the counter affidavit is wrong and denied and para-5.5 of the application is reiterated.

5.6. Para-5.6 of the counter affidavit is wrong and denied and para-5.6 of the application is reiterated.

6 & 7 : Paras 6 & 7 of the application have not been denied by the Respondents.

8. Para-8 of the counter affidavit is wrong and denied and para-8 of the application is reiterated.

9 to 12 : Need no remarks

VERIFICATION

Verified at New Delhi on _____ that the contents of the above rejoinder are true to my personal knowledge and that I have not suppressed any material fact.

Applicant

through

(B.S. Mainee & Mrs. Meenu Mainee)
Advocates
240 Jagriti Enclave, Delhi-110092

Date : _____

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11. PARTICULARS OF THE POSTAL ORDER ATTACHED :

- (i) No. of Postal Order
- (ii) Post Office from where issued
- (iii) Date of issue of the postal order

12. ~~LIST OF ENCLOSURES AS PER INDEX~~

VERIFICATION

Applicant

Innocent Simon

I, Innocent Simon

s/o Sh. E. Simon

aged about 29-3-58 years, working as Ex. Klerk

in the office of Under Secy. NR Meerut

and r/o H/O 26/B. Anand Vikas Meest Road with Ghazabad
Hapur Road

do hereby verify that the contents of ~~paras 1 to 4~~ of the above application are true and correct to the best of my knowledge and ~~paras 5 to 12~~ are believed to be true on legal advice and that I have not suppressed any material fact.

~~6/1/2001~~
6/1/2001
R. N. S. S. S.

Innocent Simon

Applicant

through

(B.S. MAINEE)

Advocate

240, Jagriti Enclave

Vikas Marg Extn.,

Delhi-110092

Tele No. 2202172

2416936