

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 2021/2000

New Delhi this the 28th day of September, 2000

Hon'ble Shri V.K. Majotra, Member (A)

Subhash
S/o Shri Devi Das
R/o C/531, Gokulpuri,
Delhi-94.

-Applicant

(By Advocate: Shri U. Srivastava)

Versus

Union of India, through

1. The General Manager,
Northern Railway, Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Estate Entry Road,
DRM Office, New Delhi.
3. The Permanent Way Inspector (PWI)
Northern Railway,
Delhi.

-Respondents

ORDER (Oral)

By Shri V.K. Majotra, Member (A)

Heard the learned counsel for the
applicant.

2. The applicant has challenged the orders dated 23.6.2000 (Annexure A-1) whereby the respondents have rejected the case of the applicant for inclusion of his name in the live casual labour register. Earlier on, the applicant had filed OA 1755/99 which was decided vide order dated 16.3.2000 as follows:-

"But the objection as to delay in approaching the Tribunal by the applicant appears to be formidable. Apart from limitation, at this point of time it is very difficult for the respondents to

verify the records of the service of the applicant. It is therefore not possible for this Tribunal to give any direction as to the re-engagement on the strength of his previous engagement in 1985.

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The OA is, therefore, disposed of with a direction to the respondents to ascertain from the available records whether the applicant had earlier been engaged by the Railways and if it were ascertained, the applicant's case should be considered for re-engagement and for inclusion of his name in the Live Casual Labour Register.

With the above directions, the OA is disposed of. No costs".

3. The respondents vide their order dated 23.6.2000 (Annexure A-1) have rejected the claim of the applicant for re-engagement/inclusion of his name in the Live Casual Labour Register. The contents of the aforesaid order are as follows:-

"In compliance of the Hon'ble CAT order dated 16.3.2000 in OA No. 1755/99 the records were again checked, paid vouchers are the only records which could conclusively establish the genuineness of claim of past service. However, it is observed the paid vouchers of the relevant periods had been destroyed long back as per rules the paid vouchers are to be preserved only for 5 years. In the absence of paid vouchers it has not been possible to establish your claim and hence your case for re-engagement/inclusion of name in Live Casual Labour Register can not be accepted.

This disposes of the directions given by the Hon'ble CAT in the order referred to above".

4. Learned counsel of the applicant contended that the respondents have rejected the claim of the applicant on the grounds which have been taken by them in the OA. He has stated that applicant's claim cannot be rejected and that Annexure A-1 should be set aside and the respondents should be directed to re-engage the applicant after including his name in the Live Casual Labour Register.

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5. It has been held in OA-1755/99 that it is not possible for this Tribunal to give any direction as to the re-engagement on the strength of applicant's previous engagement in 1985. The respondents have been directed by the Tribunal to ascertain from the available records whether the applicant had earlier been engaged by the Railways and if it was found that the applicant had been engaged by the Railways, his case should be considered for re-engagement and for inclusion in the Live Casual Labour Register. According to the respondents, the paid vouchers are the only records which can conclusively establish the genuineness of the claim of past service. Vide Annexure A-1, the respondents have stated that the paid vouchers of the relevant periods have been destroyed long back as these documents are to be preserved only for a period of 5 years. In the absence of paid vouchers it has not been possible to establish the claim of the applicant and thus his case for re-engagement/inclusion of name in Live Casual Labour Register was not accepted. The respondents have been directed to ascertain the claim of the applicant from the available records. Obviously, the respondents do not have any records available with them, the paid vouchers having been destroyed long back. The respondents have complied with the orders of the Tribunal and have not been able to verify the veracity of the claim of the applicant. The contention of the learned counsel of the applicant that instead of the paid vouchers about which the respondents had stated in the earlier OA that they

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L have been destroyed and that they did not exist, the respondents should have verified the claim of the applicant from some other documents is not acceptable as the records from which the claim of the applicant could be verified, having been destroyed, do not exist. As the respondents could not place their hands on any records in proof of applicant's engagement with the Railways rejection of the claim of the applicant cannot be faulted with. No strong grounds have been furnished to interfere with the order of the respondents in rejecting the claim of the applicant.

6. The O.A. is, therefore, dismissed in-limine being devoid of merit.

V.K. Majotra

(V.K. Majotra)
Member (A)

cc.