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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 488 of 2000

New Delhi, this the 9th day of February, 2001

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

Chander Shekhar  
s/o Shri Vakil Singh  
R/o 192/A, K Block, Sec. 9  
Vijay Nagar,  
Ghaziabad (UP)

-APPLICANT

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India  
Through the General Manager  
Northern Railway, Baroda House,  
New Delhi
2. The Divisional Railway Manager  
Northern Railway, Delhi Division  
Near ORM office, New Delhi

-RESPONDENTS

(By Advocate: Shri B.S. Jain)

Q. R. D. E. R. (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act claiming re-engagement in any group "D" post as a casual labourer.

2. The applicant has submitted that his name was placed in the Live Casual Labour Register (in short "LCLR") and, therefore, he has a right for re-engagement in preference to juniors and freshers. He has alleged that respondents have been engaging juniors and freshers ignoring his preferential claim for re-engagement in any group "D" post.

3. On the contrary, learned counsel for the respondents submitted that applicant has worked only for 79 days prior to the year 1990. He submitted that when

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the screening was done in the year 1992, only those casual labourers having more than 120 days of casual service, were considered for re-engagement. Since the applicant was having less than 120 days of casual service, he was not considered for re-engagement under the extant rules. The assertion of the applicant that he has worked as Hot Weather Waterman in the year 1990 is denied by respondents and it is stated that after 1990, no Hot Weather Waterman was engaged by the department.

4. However, in view of the fact that applicant's name does exist on the LCLR and he is even willing to work as Safaiwala, I direct the respondents that if there is any group "D" post including Safaiwala lying vacant, the case of the applicant shall be considered for appointment against that, in preference to juniors and freshers in accordance with rules and instructions on the subject. O.A. stands disposed of with these directions.  
No costs.

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( KULDIP SINGH )  
MEMBER(JUDL)

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