

67

In the Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No. OA-1146/87

Date: 17.4.1990.

Shri Mangta Ram Applicant

Versus

Union of India & Ors. Respondents

For the Applicant Shri Sanjay Madan, Counsel

For the Respondents Shri O.P. Kshatriya, Counsel

CORAM: Hon'ble Shri P.K. Kartha, Vice-Chairman (Judl.)
Hon'ble Shri O.K. Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed
to see the judgement? *Yes*

2. To be referred to the Reporter or not? *No*

(Judgement of the Bench delivered by Hon'ble
Shri O.K. Chakravorty, Administrative Member)

The applicant, who has worked as a Gang Khalasi
under Respondent No.3 (Permanent Way Inspector, Ambala
Cantt., Ambala) filed this application under Section
19 of the Administrative Tribunals Act, 1985, praying
that the respondents be directed to include his name
in the Live Casual Labour Register, to engage him in
accordance with his longevity of service, to treat him
on duty on the days he was not employed due to breaks,
to reinstate him with full back wages and continuity
of service and to treat him as employed on regular
basis from the date of his joining.

2. The applicant has stated that he was employed as
a Gang Khalasi in the year 1973 and was continuously
employed till January, 1987 with the usual breaks.

*D
17/4/90* According to him, the respondents are no longer engaging

him though he is eligible and the senior-most Casual Labourer.

3. The respondents have stated in their counter-affidavit that he has worked only for 103 days between November, 1976 and February, 1977. They have denied the contention that he has worked for 13 years from 1973 to 1987. According to them, he neither contacted the department after February, 1977 nor did he leave his address with them and as such, the question of engaging him did not arise.

4. We have very carefully gone through the records of the case and have heard the learned counsel for both the parties. The only document produced in support of the claim made by the applicant is a service certificate annexed to the rejoinder affidavit, according to which, the applicant has worked for a total period of 108 days from the date of his appointment on 14.12.1973 to March, 1974. He has neither produced the Casual Labour Card nor any other documentary evidence in support of his contention that he has worked for 13 years in the Railways.

5. In our opinion, the applicant has not acquired temporary status in accordance with the provisions of the Indian Railways Establishment Manual. He is also not entitled to the protection of Section 25-F of the Industrial Disputes Act, 1947. The learned counsel for the applicant stated during the arguments that the applicant has a right to represent that he has worked for more than 103 days. In our opinion, he should have made a representation soon after he was disengaged in 1987. He has not stated that he made any representation

9

to the respondents in this regard. Even now, it will be open to him to do so. The applicant has referred to the instructions issued by the respondents for bringing the names of the Casual Labourers in the Live Casual Labour Register. While we see no merit in the prayer made by the applicant that he should be reinstated in service, we direct that the respondents shall consider the suitability of the applicant's name for being included in the Live Casual Labour Register in accordance with the circulars and instructions issued by them from time to time. The application is disposed of accordingly.

The parties will bear their own costs.

D. Chakravorty
(D. K. Chakravorty)
Administrative Member
17/4/1990

P. K. Kartha
(P. K. Kartha)
Vice-Chairman (Judl.)
17/4/1990