

In the Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No. OA-1155/87

Date: 17.4.1990.

Shri Amar Ram

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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 D.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 P.K. Kartha, Vice-Chairman)

The applicant, who has worked as a Gang Khalasi
under Permanent Way Inspector, Ambala Cantt., Ambala,
filed this application under Section 19 of the Administra-
tive Tribunals Act, 1985, praying that the respondents
be directed to include his name in the Casual Labour
Register, to engage him in accordance with his longivity
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 case of the applicant is that he was employed
as a Gang Khalasi in 1974 and he continued to work till
January, 1987 with the usual breaks. Though he is
eligible and the senior-most Casual Labourer, he is not
being engaged by the respondents since 1987.

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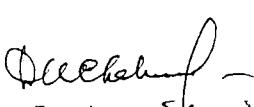
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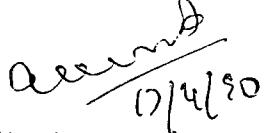
3. The respondents have stated in their counter-affidavit that the applicant has worked only for a period of 98 days from March, 1974 to June, 1974. Thereafter, he neither contacted the respondents for work nor did ~~not~~ he give his address and as such, the question of engaging him did not arise.

4. We have carefully gone through the records of the case and have heard the learned counsel for both the parties. The applicant has not produced any documentary evidence to substantiate the claim that he has worked for a period of 13 years from 1973 to 1987. In the absence of any such evidence, it will not be appropriate to issue any directions to the respondents to reinstate him with back wages.

5. The applicant has, however, relied upon the circulars and instructions issued by the respondents regarding the maintenance of 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~~ ^{own} costs.


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


(P.K. Kartha)
Vice-Chairman (Judl.)