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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 1199/90

New Delhi, dated the 8th August, 1994

CORAM

Hon'ble Shri S.R. Adige, Member(A)

Hon'ble Smt. Lakshmi Swaminathan, Member(Judicial)

Shri Madhu,
R/o Railway Station, Faridabad
Haryana, presently residing at
135-D, Lane-7, Krishna Nagar, Delhi.

... Applicant

(None for the applicant)

V/s

1. Union of India, through General Manager,
Baroda House, New Delhi
2. Divisional Railway Manager,
Central Railway, Jhansi.
3. Station Superintendent, NIT Railway,
Station, Faridabad.

... Respondents

(By Advocate Sh.H.K. Gangwani)

JUDGMENT (ORAL)

[Hon'ble Shri S.R. Adige, Member (A)]

In this application, Shri Madhu who was employed as a Waterman at the Faridabad Railway Station has prayed for grant of temporary status followed by regularisation.

2. Neither he nor any body on his behalf appeared when this case was called out. Shri Gangwani appeared for the respondents and was heard.

3. The applicant claims that he worked as Khalasi and

Waterman from 19.7.74 to 30.4.76 and worked thereafter for less than a month in 1983 ; for about 3½ months in 1985 ; for about 4 months in 1986 and for about 3½ months in 1989. He claims that he ^{has} put in ^{for} more than 240 days ^{in service} and ^{therefore}, has acquired ~~the~~ status of ^a temporary employee.

4. The Respondents deny this, and ~~averred~~ ⁱⁿ that the applicant only ^{worked} for a little ~~then~~ more than three months in 1989 as Waterman at the Railway Station to serve water to Railway passengers during the summer season and was disengaged alongwith other ~~Waterman~~ when his services were no longer ^{that} required. The Respondents stated ⁱⁿ 1990 he did not even turn up for work. They have further stated in their reply, which is also confirmed by Shri H.K.Gangwani, at the Bar, that subject to availability of work, they would be prepared to re-engage the applicant in the coming summer season according to his turn in the seniority list of Casual Labourers.

5. In the absence of the applicant, we are ^{unable} ~~inclined~~ to verify whether he actually put in service from 19.7.74 to 30.4.76 on continuous basis as claimed by him. However, since then nearly 18 years have elapsed, and during the years, 1983, 85, 86 and 1989, the applicant, even on his own admission appears to have been engaged only for ^a very short period, primarily in the summer season, for serving water to Railway passengers, ^{he has been} ~~in~~ unable to establish that he has put in 240 days continuous service to our satisfaction.

6. Under the circumstances, a case for granting temporary status to the applicant is not made out, and this application is

disposed of with a direction to the Respondents, to consider
engaging the applicant as ^{a m} casual labourer, ^{if he makes an application for} subject to
availability of the work, in preference to freshers,
and according to his turn in the seniority list of Casual
Labourer. No Costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)

Member(J)

S.R. Adige
(S.R. Adige)

Member(A)

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