

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

OA.No. 2344/90

Date of Decision: 7.8.92

Shri Vijay Shankar Pandey

Applicant

Shri B.S. Mainee

Counsel for the applicant

Versus

Union of India & Ors.

Respondents

Sh.D.S.Mahendru, proxy counsel  
for Shri P.S. Mahendru

Counsel for respondents

CORAM:

The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. B.N. DHOUNDIYAL, MEMBER(A)

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

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

JUDGEMENT

(of the Bench delivered by

Hon'ble Member Shri B.N. DHOUNDIYAL)

The applicant, who claims to have worked as Casual Labour with Northern Railway in two different spells from 15.4.78 to 14.8.81 and 15.12.84 to 5.4.85 is aggrieved as his name has not been included in the Live Casual Labour Register as per the instructions of the Railway Board and he has not been re-engaged. He claims to have worked for 330 days at Railway Station Dadri and about 106 days at Aligarh. In response to requisition received from DRM Allahabad, the name of the applicant was sent by the Station Master Aligarh for screening, which was held in 1988. However, the applicant has not been engaged in service though his juniors are still working as Casual Labourers. He represented to the authorities on 21.2.90 and has not received any reply. He has prayed for a direction to the respondents to include his name in the Live Casual Labour Register in accordance with the Railway Board's instructions

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and engage his services in accordance with his seniority against the future vacancies.

2. The respondents have denied the claim of the applicant having worked as Casual Labour from 15.12.84 to 5.4.85 and have stated that he has worked in this capacity from 15.12.84 to 5.4.85 for 106 days. The holding of screening test does not entitle the applicant to work which has to be provided as and when it is available. For this purpose, his name has already been entered in the Live Casual Labour Register and he will be provided work according to his seniority.

3. We have gone through the records of the case and heard the learned counsel for both parties. The applicant has failed to establish by any documentary evidence that he has worked for more than 106 days. In view of this, he cannot be deemed to have acquired a temporary status.

4. The application is, therefore, disposed of with the direction to the respondents that his name will continue to be borne on the Live Casual Labour Register and he shall be engaged as Casual Labourer, if the vacancy exists and in preference to his juniors and outsiders...

5. There will be no order as to costs.

*B.N. Dhoondiyal*  
(B.N. DHOUNDIYAL) 7/8/82  
MEMBER(A)

*P.K. Kartha*  
(P.K. KARTHA) 7/8/82  
VICE CHAIRMAN(J)