

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.2499/90

New Delhi this the 7th Day of December, 1994.

Sh. N.V. Krishnan, Vice-Chairman (A)
Smt. Lakshmi Swaminathan, Member (J)

Parmanand
s/o Sh. Hazari Lal,
Narnaul Road,
Qutabpur, Rewari (Haryana) ...Applicant

(By Advocate Sh. B.N. Bhargava, though none appeared)

Versus

1. Union of India through the
General Manager, Northern Railway,
Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway Division,
Bikaner.
3. The Divisional Personnel Officer,
Northern Railway Division,
Bikaner.
4. The Divisional Engineer,
Northern Railway Division,
Bikaner.
5. The Inspector of Works,
Northern Railway Station,
Rewari.
6. The Station Superintendent,
Northern Railway Station,
Rewari. ...Respondents

(By Advocate Sh. H.K. Gangwani, though none appeared)

ORDER(ORAL)

Hon'ble Mr. N.V. Krishnan:-

The applicant was a casual labourer under the Railways. His grievance is that he has been disengaged from 14.9.89 on verbal orders without any notice of termination or any order of termination. He was initially engaged as a casual labourer under respondent No.4 from 26.12.70 to 19.12.71 vide Annexure A-3 labour card. Subsequently, he was engaged in 1988. In this regard the Divisional Engineer has sent a letter to the Station Superintendent, Northern Railway, Rewari (Annexure A-2) on 26.4.88 stating that three persons of

whom the applicant was one was entitled for engagement as casual labourer as per rules. It was stated therein that the applicant had worked for 141 days and he is at serial No.3 in the Live Casual Labour Register of I.O.W. Rewari.

2. It is admitted by the applicant that he was engaged as a hot weather waterman on 21.4.88, which continued upto 14.9.88, i.e., 141 days, which is also mentioned in the Annexure A-3 Labour card.

3. Thereafter the applicant was not engaged, though 19 persons junior to the applicant were engaged by the 6th respondent as hot weather waterman and have been retained and given temporary status. Hence, the applicant prays for a direction to the respondents to re-engage him and regularise him.

4. The respondents have filed a reply in which it is stated that the applicant has suppressed vital information that after his engagement as hot weather waterman in 1988 the

applicant was engaged on 15.4.89, as would be evident from serial No.13 of the attendance register. As required under the Rules he was asked to go for medical examination, which he failed to do. He appeared on 16.5.89 and was permitted to join duty but again he was asked to go for medical examination, which he refused. He never turned up thereafter. The respondents also state that he was again called for re-engagement by the letter dated 16.8.89 (Annexure R-3) which is supported by the entries in the despatch register. The applicant did not appear. In the circumstances it is stated that the application has no merit.

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5. We have considered the matter. We are satisfied that it is due to the default of the applicant that he lost his engagement with the Railways. It is ~~clear~~ that he was engaged as hot weather waterman in 1989 also but, as he failed to submit himself for medicinal examination, he could not be entertained thereafter. It is also clear that he did not turn up despite notice being issued to him subsequently. In the circumstances, we find no merit in the OA, which is dismissed. No costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

'Sanju'

N.V. Krishnan
7.12.94

(N.V. Krishnan)
Vice-Chairman(A)