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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA 1264/1991

Date of decision: 23.10.1992

Shri Son Pal

...Applicant

Vs.

Union of India through the General
Manager, Northern Railway, Baroda
House, New Delhi.

...Respondents

For the Applicant

...Shri V.P. Sharma,
Counsel

For the Respondents

...Shri R.L. Dhawan,
Counsel

CORAM:

The Hon'ble Mr.P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr.B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *No*

JUDGMENT

(of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice Chairman(J))

The short point for consideration is whether the applicant who has worked as a casual labourer in the office of the respondents is entitled to reengagement as casual labourer in accordance with his seniority.

2. The applicant has worked as a casual labourer in the office of the respondents from 02.04.1982 to 14.01.1983. The applicant claims that he has acquired

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temporary status on completion of 120 days of work. This has been disputed by the respondents who contend that the applicant is a Project Casual Labourer in whose case temporary status could be acquired only after working for a period of 360 days continuously.

3. The applicant was disengaged with effect from 14.01.1983 due to completion or shrinkage of work on which he had been engaged. He had worked in the Metro Transport Project (Railways) Delhi. The copy of the casual labour card produced by the applicant at page 15 of the paper book indicates this, as also the fact that he was paid the compensation due to him on retrenchment.

4. We have gone through the records of the case carefully and have heard the learned counsel of both parties. The respondents have raised the preliminary objections that the application is barred by limitation and that the applicant has not exhausted the remedies available to him under the relevant service law.

5. As regards non-exhaustion of departmental remedies, we are of the opinion that being a casual labourer, the applicant had no departmental remedy under the relevant service law. The plea of limitation would normally apply in case of inordinate delay in filing the

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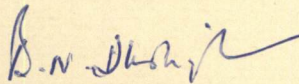
application. The applicant has stated that after he was disengaged, he had been requesting the respondents to reengage him whenever need arises. The applicant is also relying upon the instructions issued by the Railway Board regarding engagement of casual labourers pursuant to the scheme prepared by them, as directed in Inder Pal Yadav & Others Vs. Union of India & Others, 1985 SCC (L&S) at 526.

6. The respondents have stated in their counter-affidavit that the name of the applicant has been included in the seniority list of Project Casual Labour of Signal and Telecommunication Department of Delhi Division. They have referred to the Railway Board's letter dated 21.10.1980, according to which, if any person having worked as a casual labourer in the past and presently out of employment due to break in his service because of non-availability of work approaches an appropriate Railway authority, his record should be checked and at the opportunity of next recruitment for a casual labour work, he should naturally be given preference over juniors. The respondents have stated that the applicant has to await his turn for reengagement as casual labourer in accordance with his seniority position.

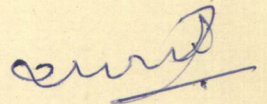
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7. After hearing both sides, the application is
disposed of with the direction to the respondents
to consider engaging the applicant as casual
labourer in any of the on-going projects in
accordance with the position of the applicant in the
seniority list prepared by them. The applicant
should also be informed about his position in the
seniority list.

There will be no order as to costs.



(B.N. DHOUNDIYAL)
MEMBER (A)
23.10.1992



(P.K. KARTHA)
VICE CHAIRMAN (J)
23.10.1992

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