

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. 1654/1991

Date of decision: 07.06.1993

Shri Ash Mohd.

...Applicant

Versus

Union of India & Another
For the Applicant
For the Respondents
CORAM:

...Respondents
..Shri B.S. Mainee, Counsel
..Shri I.C. Sudhir, Counsel

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN
THE HON'BLE MR. S.R. ADIGE, MEMBER (A)

1. To be referred to the Reporters or not?

JUDGMENT (ORAL)
(of the Bench delivered by Hon'ble Mr. Justice
S.K. Dhaon, Vice Chairman)

On 10.10.1991, 17.1.1992, 12.2.1992, 7.8.1992, 1.10.1992,
30.11.1992 and 26.03.1993 the respondents were granted time to
file a counter-affidavit. Barring two occasions, on each occasion
they were granted 4 weeks time to file a reply. It is regrettable,
that no reply is forthcoming. We are not inclined to grant any
further time though oral prayer has been made. We may note that
on the last date of hearing, i.e., 26.03.93 last opportunity was
given to the respondents to file their reply. In the absence of
any reply, we are proposing to dispose of this application finally.

2. The material averments which remained uncontroverted
are these. The petitioner has worked as a Casual Labour at Railway
Station Partapur, Mehedinpur and Meerut City with effect from 2.5.
1979 to 30.09.1987. He has also worked in 1988 and 1989. In
accordance with the Circular dated 22.10.1980, a casual labour
who has been engaged earlier, should be given preference. The
petitioner is entitled to be regularised in service as he has put
in more than 12 years of service though intermittently.

3. We take judicial notice of the fact that a scheme has been prepared by the Railways for regularisation of the services of a casual labourer. The authority concerned shall consider the case of the petitioner in accordance with the scheme. If it comes to the conclusion that the petitioner is not entitled to any relief, he shall record reasons. If the respondents take a view that there is no vacancy, they shall state reasons. He shall act expeditiously.

4. If there is any work, the respondents shall endeavour to reengage the petitioner. For that purpose, the petitioner shall be given preference to his juniors and freshers.

5. With these directions, this application is disposed of but without any order as to costs.

Rifolge
(S.R. ADIGE)
MEMBER (A)
07.06.1993

RKS
070693

Sury
(S.K. DHAON)
VICE CHAIRMAN
07.06.1993