

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.No.278/91

Date of Decision: 01.10.1992

Shri Narendra Kumar

Applicant

Shri B.N. Bhargava

Counsel for the applicant.

Versus

Union of India & Ors.
(Railways)

Respondents

Shri Romesh Gautam

Counsel for the 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? *Yes*

JUDGEMENT

(of the Bench delivered by
Hon'ble Member Shri B.N.DHOUNDIYAL)

This OA has been filed under Section 19 of the
Administrative Tribunal's Act, 1985, by Shri Narendra
Kumar, against the verbal orders of termination of his
services after 6.8.88. The applicant has worked for
B.N.

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the Railways for two spells in 1978 and 1988 as follows:

21.8.78	29.8.78	9 days	I.O.W./Sadulpur
08.6.88	06.8.88	60 days	P.W.I./Sadulpur
		<u>69 days</u>	

2. According to the applicant, he came to know only in 1987 about the Railway Board's policy contained in circular dated 8.6.81 that Casual Labourers who have already worked for the Railways would be preferred to the outsiders. Thereafter, he made efforts and was reengaged in June 1988. After working for two months, he had to leave for his village due to sickness of his mother, but his services were disengaged from 6.8.88 by way of verbal orders. He has alleged that outsiders are being employed and his services were terminated without giving any notice. He has prayed that the respondents be directed to reengage him and regularise his services with all consequential benefits.

3. The respondents have stated that the applicant was engaged as Casual Labour Khalasi on daily wages basis vide order dated 13.6.78. He left the job on expiry of the sanction and never turned up for engagement. Similarly in 1988, he worked upto 6.8.88 and left thereafter.

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They have, however, admitted that as per the policy of the Railway Board, the name of the applicant is registered in the Live Casual Labour Register, as he had been called to work as Gangman on that basis in 1988.

4. According to the existing instructions, Railway servants who have completed 120 days continuous service as casual labour are entitled to the status of temporary Railway workers. Admittedly, in this case, the applicant has not completed the prescribed period. The only relief that can be given to him, is that, his name shall continue to be borne in the Live Casual Labour Register and he shall be given offers of appointment in preference to those with lesser length of service and outsiders. We order so accordingly.

5. The parties will bear their own costs.

B.N. Dhundiyal
(B.N. DHUNDIYAL) 11/10/72
MEMBER(A)

Shri [10/92]
(P.K. KARTHA)
VICE CHAIRMAN(J)

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