

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA 472/1991

Date of decision:25.09.1992

Shri Harish Chander Singh

...Applicant

Vs.

Union of India & Others

...Respondents

For the Applicant

...Shri P.T.S. Murthy,
Counsel

For the Respondents

...Shri Romesh Gautam,
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 applicant who has worked as a Casual Labourer in the office of the Central Organisation for Freight Operation Information and Control System (hereinafter referred to as COOS) in the Railways with effect from 16th August, 1985 has filed this application under Section 19 of the Administrative Tribunals Act, 1985 for quashing the impugned notice dated 7.6.1990 issued by the respondents whereby he along with 4 other casual labourers were sought to be discharged from service with effect from 7.6.1990. He has prayed for his reinstatement and

absorption in the Northern Railway.

2.. On 22.2.1991 when the application was admitted, the learned counsel for the applicant stated that there are vacancies of casual labourers in the office of the respondents in which the applicant could be accommodated. He also stated that persons junior to the applicant were working at the time of termination of his services. In view of this, the Tribunal passed an interim order directing the respondents to consider engaging the applicant as a casual labourer if a vacancy exists in preference to his juniors. The interim order has been continued during the pendency of the application. The respondents have, however, not reengaged him as a casual labourer.

3. We have gone through the records of the case and have heard the learned counsel of both parties. The applicant was one of the applicants in ^a batch of applications disposed of by the Tribunal by judgment dated 17.5.1990 (OA No.1201 of 1987 and connected matters - Ramesh Kumar & Others Vs. Union of India & Others). The applicants in the said case had a similar grievance like that of the applicant in the instant case. The Tribunal observed that the plea of the applicants that some of the juniors had been absorbed in the Northern Railway and as such there was discrimination had no merit, for there was nothing on record to establish that any casual labourer who had put in less days of service than the applicants in the concerned unit/establishment had been absorbed. The batch of applications were disposed of with the direction to the respondents (Northern Railway) to absorb

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the applicants in accordance with their turn pursuant to the scheme prepared by the Railway Board following the decision of the Supreme Court in Inder Pal Yadav's case.

4. In view of the aforesaid judgment of the Tribunal ^Q the respondents have contended that the present application is barred by resjudicata. They have stated that they are keeping the name of the applicant in the Live Casual Labour Register and his name will be considered as per the direction of the Tribunal. The respondents have also denied that any person junior to the applicant has been given employment in the Northern Railway.

5. As against the above, the applicant has contended that persons junior to him have been absorbed in the Northern Railway by order dated 22.9.1987 at Annexure IX to the application. According to the respondents, the persons mentioned by the applicant ~~as having been reengaged~~ ^Q have joined various units on their own initiative as fresh appointees. There is nothing on record to indicate that the persons mentioned in the letter of the Northern Railway dated 22.9.1987 have been reengaged and that they are still continuing as casual labourers.

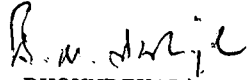
6. The organisation in which the applicant had worked as a casual labourer (COOS) had been wound up on 30.06.1987 and the project work was transferred to a Society, the Centre for Railway Information System (CRIS). Before the winding up of COOS, they had issued a notice on 31.12.1986 regarding the conferment of temporary status on 11 casual labourers including the applicant. In case of the applicant, he was conferred temporary status with effect from 9.8.1986. The admitted factual position is that the names of the former employees of COOS which has been wound up had been included


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in the Live Casual Labour Register maintained by the Railways. The purpose of such a Register is that the persons concerned whose name figure in the Register will be considered for engagement as an when vacancy arises.

7. In the above background, the application is disposed of with the direction to the respondents to consider engaging the applicant as casual labourer wherever vacancy exists and in preference to persons with lesser length of service and outsiders. The reengagement of persons borne on the Live Casual Labour Register should be strictly in accordance with the seniority of the persons concerned.

There will be no order as to costs.


(B.N. DHOUNDIYAL)
ADMINISTRATIVE MEMBER
25.09.1992


(P.K. KARTHA)
VICE CHAIRMAN(J-1)
25.09.1992

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