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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

OA.No. 583/91

Date of Decision: 7.8.92

Shri Charan Singh

Applicant

Shri B.S. Mainee

Counsel for the applicant

Versus

Union of India & Ors.

Respondents

Shri Romesh Gautam

Counsel for 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? *no*

JUDGEMENT

(of the Bench delivered by

Hon'ble Member Shri B.N. DHOUNDIYAL)

This OA has been filed under Section 19 of the Administrative Act, 1985 by Shri Charan Singh, Gang Man, Northern Railway, challenging the failure of the respondents to re-engage him as Casual Labour after 31.3.85.

(13) 2. The applicant claims to have worked for 175 days continuously from 6.10.84 to 31.3.85 as per the certificate given by the Permanent Way Inspector, Aligarh (Annexure A-1). He has referred to the instructions issued by the Railways from time to time, providing for preparation of a Live Casual Labour Register for workers discharged any time after 1.1.81 and preference for giving work to those who have already worked for the Railways in the past over juniors. He had submitted
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representations to the authorities on 8.9.86, 20.3.87 and 1.3.88 to no avail.

He prays for directions to the respondents to register his name in the Live Casual Labour Register and re-engage his services against future vacancies.

3. The respondents have averred that the applicant has worked for $101\frac{1}{4}$ days only. They have already entered his name in the Live Casual Labour Register as per instructions received from the Railway Board on 14.8.87. He will be engaged in his turn.

4. We have gone through the records of the case and heard the learned counsel for both parties. In case the applicant had acquired temporary status, he would be entitled to either one month's notice or retrenchment compensation before his services were terminated. In terms of Railway Board's order dated 28.10.1968, the order of seniority should be the criterion for deciding the employees, who are to be rendered surplus, the junior employees being rendered surplus earlier than the seniors.

5. We therefore, allow the application and dispose it of with the following directions:-

i. The respondents shall verify the authenticity of the certificate given by the Permanent Way Inspector Aligarh on 23.12.85 indicating that the applicant has worked for 175 days. If, after verification of the certificate, it is found that the applicant had worked for more than 120 days, he should be given temporary status in accordance with the relevant rules and instructions. We further direct that he should be re-engaged as Casual Labour in the zone, wherever there may be vacancy. The period of service rendered by him would also count for the purpose of seniority.

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ii). Even if the applicant has not worked for 120 days, his name shall continue to be borne on the Live Casual Labour Register and he shall be engaged as Casual labour depending upon the availability of vacancy and in preference to his juniors and outsiders.

iii). The respondents shall comply with the above directions preferably within a period of 3 months from the date of communication of this order.

iv) There will be no order as to costs.

B.N. Dhoondiyal
(B.N. DHOUNDIYAL) 7/8/52
MEMBER(A)

P.K. Kartha
(P.K. KARTHA) 7/8/52
VICE CHAIRMAN(J)