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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

O.A. NO.720/2004

This the 5th day of August, 2005.

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)

Balbir S/O Harkesh,
R/O A2/218, Janakpuri,
New Delhi.

... Applicant

(By Shri M.K.Bhardwaj, Advocate)

versus

1. Union of India through
General Manager, Northern Railway,
HQs Office, Baroda House,
New Delhi.
2. Divisional Railway Manager,
Northern Railway,
Muradabad.
3. Assistant Engineer,
Northern Railway, Hapur.

... Respondents

(By Shri Rajinder Khatter, Advocate, Advocate)

ORDER (ORAL)

Applicant is aggrieved by his non-appointment as casual labour pursuant to Tribunal's directions contained in order dated 9.5.1997 in RA No.109/1997 in OA No.2364/1992. The learned counsel of applicant contended that respondents have not considered applicant for engagement against available vacancies and have appointed freshers and outsiders, namely, Jodha, Ganga Sahai, Chander Deep etc.

2. On the other hand, the learned counsel of respondents contended that applicant's name exists in the live casual labour register (LCLR) of SSE/W/Hapur at Sl. No.9. 26 seniors to applicant in the same unit who have rendered more days than applicant are still waiting for employment. The learned counsel stated that

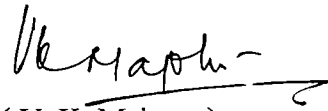


(24)

applicant shall be considered for re-engagement as casual labour as per his seniority in LCLR of SSE/W/Hapur and that no junior/fresher/outsider has been engaged so far by respondents. As regards the alleged appointment of freshers and outsiders, namely, Jodha, Ganga Sahai and Chander Deep etc., the learned counsel stated that respondents have not engaged any such persons and that applicant has provided insufficient information. Mention of mere names does not suffice for proper verification of the veracity of the averment.

3. There is no reason why the statement made on behalf of respondents should not be relied upon. They have admitted that applicant's name is entered in LCLR and that he shall be considered for re-engagement as per his seniority in LCLR of SSE/W/Hapur. Mention of a few names is indeed insufficient to ascertain the veracity of the averment that respondents have appointed any freshers and outsiders. Applicant ought to have provided better particulars in this regard.

4. Having regard to the statements made on behalf of respondents and the fact that applicant has not been able to contradict them and for want of better particulars of the alleged appointment of freshers and outsiders, this OA is disposed of, however, with liberty to applicant to take legal recourse in case any freshers and outsiders are re-engaged by respondents unmindful of the seniority of applicant at Sl. No.9 of LCLR of SSE/W/Hapur.


(V. K. Majotra)
Vice-Chairman (A) 5.8.05

/as/