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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

OA.No.163/92

Date of Decision: 18-12-92

Shri Khacheroo Singh

Applicant

Versus

Union of India and others

Respondents

Shri B.S. Mainee

Counsel for the applicant

Shri R.L. Dhawan

Counsel for the respondents

CORAM:

The Hon'ble Mr. P.K. KARTHA, Vice Chairman(J)

The Hon'ble Mr. B.N. DHOUNDIYAI, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter, or not? *Yes*

JUDGEMENT

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

The applicant in this CA Shri Khacheroo Singh, an ex-Gangman under Permanent Way Inspector, Northern Railway, Amroha, is aggrieved by the termination of his services without any enquiry, notice or compensation, even though, he had worked for more than 120 days continuously and had acquired temporary status in accordance with the Rules.

2. According to the applicant, he had worked continuously from 14.11.1982 to 14.9.1984 for a total number of 651 days. In pursuance of Rule 2515 of Indian Railway Establishment Manual(IREM), he had acquired temporary status and was entitled to all the rights and privileges of a temporary Railway servant, including full pay, one month's notice on termination and protection of the Discipline *bn*

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and Appeal Rules. His services were terminated on 14.9.84, even though, persons junior to him are still continuing. His representation submitted on 17.6.90 to the Divisional Railway Manager, Moradabad, has not elicited any response. He has prayed that the termination order be set aside and quashed and the respondents be directed to reinstate him in service, with all consequential benefits.

3. On 23.1.1992, this Tribunal passed an interim order directing the respondents to consider engaging the applicant as Casual Labourer, if vacancies exist, in preference to his juniors and outsiders. This interim order continues till date.

4. The respondents have contended that the application is time-barred as his services were discontinued for want of vacancy from 15.9.84 and the application has been filed after more than 7 years on 20.1.1992. They have also denied having received any representation from him. They have averred that the name of the applicant has been entered in the Live Casual Labour Register maintained by Permanent Way Inspector-Amroha for his reengagement as Casual Labour Gangman in his turn, as per his seniority.

5. We have heard the arguments put forth by the learned counsel for both parties and have perused the documents on record. The learned counsel for the respondents have drawn our attention to the decision given by another Bench of this Tribunal in OA 856/87 on 22.10.1992, wherein, it has been held that, where, no vacancies are available or the posts are sanctioned for the specified periods, termination of the services of the casual labourers cannot amount to retrenchment as defined in Section 25 of the Industrial Disputes

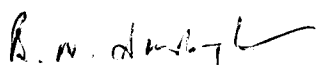
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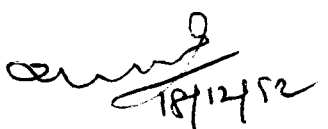
Act, 1947. This would mean that such order of termination cannot be faulted. However, the respondents have themselves admitted that the name of the applicant has been entered in the Live Casual Labour Register maintained by PWI-Amroha. The Railway Boards instructions of 4.9.80, 22.10.80, 25.4.86 and 30.3.87 provide for maintenance of Live Casual Labour Register and giving opportunity to those who have worked earlier in preference to outsiders and those with lesser length of service.

7. In the conspectus of the above facts and circumstances of the case, we dispose of the application with the following orders and directions:-

- (a) The respondents shall consider reengaging the applicant as Casual Labourer in preference to those with lesser length of service and outsiders.
- (b) The name of the applicant shall remain on the Live Casual Labour Register and he shall be considered for regularisation against any vacant post in the Group 'D' cadre, but strictly, in accordance with the Rules and his seniority on the basis of length of service.
- (c) There will be no order as to costs.

  
(B.N. DHOUNDIYAL) 15/12/82  
MEMBER(A)

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(P.K. KARTHA)  
VICE CHAIRMAN(J)