

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA No. 1790/92 .. Date of decision: 09.02.93

Sh. Ant Ram ... Applicant

Versus

Union of India .. Respondents

Sh. B.K. Batra .. Counsel for the applicant

Sh. H.K. Gangwani .. Counsel for the respondents

CORAM

Hon`ble Sh. P.K. Kartha, Vice Chairman (J)

Hon`ble Sh. 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 (Oral)

(Delivered by Hon`ble Sh. P.K. Kartha, V.C. (J))

We have heard the learned counsel for both the parties and have gone through the records of the case. The relief sought in this application is that the respondents be directed to reinstate the applicant as casual labourer Khalasi and to regularise him. *(Signature)*

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2. The respondents have fairly stated in their counter affidavit that the applicant has worked continuously for more than 120 days and that he had acquired temporary status. Their contention is that he never approached them for reengagement and as he had left the service on his own accord.

3. The applicant has relied upon the judgement dated 1.10.90 in OA No. 278/91 (Sh. Narendra Kumar Vs. U.O.I. & Ors.) in which a similar issue had arise. He has also relied upon the Railway Board's circular dated 14.8.87 according to which, the names of each casual labourers who were discharged at any time after 1.1.81 on completion of work or for want of further productive work should continue to be borne on the Live Casual Labour Registers and if the names of certain such labourers have been deleted due to earlier instructions, these should be restored on the Live Casual Labour Registers. He also draws our attention to the circular issued by the Railway Board on 4.3.87 which further provides that the benefit of inclusion of names in the Live Casual Labour Registers would be applicable even to those who were discharged before 1.1.81.

4. For the disposal of the present application, we do not propose to go into the question whether the abandonment of the services of the applicant was intentional or whether the circumstances were such that the respondents should have issued a show cause notice to him. The learned counsel for the applicant states that the applicant is not claiming any backwages. In view of this, we dispose of the present application with the direction to the respondents to include

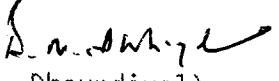
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the name of the applicant in the Live Casual Labour Register and to consider appointing him as Khalasi, if any vacancy is available or any vacancy arises in future in the Moradabad Division, failing which in any other department. In that event, he should also be considered for regularisation in accordance with the relevant rules and instructions issued by the Respondents.

The application is disposed of on the above lines.

There will be no order as to costs.


(B.N. Dhoundiyal)

Member (A)


(P.K. Kartha)

Vice Chairman (J)