

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 2226/92

Date of decision: 14.05.1993.

Shri Anwar

...Petitioner

Versus

Union of India through the
General Manager, Northern
Railway, Baroda House,
New Delhi & Others

...Respondents

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Member (A)
The Hon'ble Mr. J.P. Sharma, Member (J)

For the petitioner

Shri B.K. Batra, Counsel.

For the respondents

Shri H.K. Gangwani, Counsel.

Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra)

Heard the learned counsel for both the parties.
The petitioner was engaged as a casual labour Khalasi under I.O.W. Hapur where he worked till 14.5.1985. His services were dispensed with on that date. The learned counsel for the petitioner contends that in accordance with the Railway Board's instructions the petitioner's name has been kept on the Live Casual Labour Register so that he could be re-engaged as and when vacancy arises. This is substantiated by the fact that the petitioner was called to attend the office of Assistant Engineer, Hapur on 1.11.1989 vide letter dated 20.10.1989. It is, therefore, apparent that the petitioner continues to be on the Live Casual Labour Register although he has not been re-engaged so far.

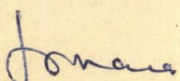
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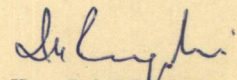
2. The respondents have filed their counter-affidavit. In paragraph-4.5 thereof it has been admitted "that the applicant was called on 1.11.1989 and he is attended ACOS at Moradabad Office but there was no existing vacancy" Hence he could not be engaged. Again in paragraph-4.12 of the counter-affidavit it has been averred that "the applicant has attended Inspector of Work at Hapur, Office on 1.11.1989 as well as A.E.N. Office and the applicant was sent to AOS/G/Moradabad due to non availability of vacancy."

3. After considering the contentions of the learned counsel for the petitioner and perusing the counter-affidavit, we are of the opinion that the petitioner's name is admittedly on the Live Casual Labour Register of the respondents, as is apparent from the fact that he was called to attend the office of Assistant Engineer, Hapur for re-engagement. There being no vacancy available, he was redirected to attend the office of ACOS, Moradabad. He has, however, not been re-engaged so far.

4. In the above facts and circumstances of the case, we consider it proper and in the interest of justice to dispose of this O.A. at this stage with a direction to the respondents to consider engagement of the petitioner as casual labour in accordance with the seniority in the Live Casual Labour Register and in preference to outsiders.

5. The O.A. is disposed of with the above direction. No costs.


(J.P. SHARMA)
MEMBER(J)


(I.K. RASGOTRA)
MEMBER(A)

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