

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

REGN.NO. O.A. 2306/92.

DATE OF DECISION: 12.5.1993

Gulam Mohamed.

... Petitioner.

Versus

Union of India & Ors.

... Respondents.

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN(J).  
THE HON'BLE MR. S.R. ADIGE, MEMBER(A).

For the Petitioner.

Shri B.L. Madhok, proxy  
for Shri B.S. Mainee,  
Counsel.

For the Respondents.

Shri P.S. Mahendru,  
Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice S.K. Dhaon,  
Vice Chairman(J))

MP 1369/93

M.P. allowed. Learned counsel for the petitioner  
is permitted to make necessary changes in the application.

O.A.2306/92

Initially the petitioner described himself as Gulam Ali. In the counter affidavit filed one of the pleas raised is that no such Gulam Ali was employed as a Casual Labour. However, one person named Gulam Mohamed was engaged as Casual Labour under the Signal Inspector, North Eastern Railway, Fatehgarh. Thereafter, the petitioner made a Misc. Petition for seeking amendment to the Original Application to the effect that there was typographical error in the title of the application. In fact, he should have been described as Gulam Mohamed. We have allowed that application today. Therefore, this application should be treated as having been filed by Gulam Mohamed.

2. In the counter affidavit filed, it is admitted that Gulam Mohamed was engaged as Casual Labour under the Signal

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Inspector, N.E. Railway, Fatehgarh w.e.f. 23.6.1980 and he worked upto 31.0.1985 in broken period for a total period of 289 days. His services were <sup>dis-</sup>engaged. He was asked to report to the Engineering Department for engagement under the Assistant Engineer, Fatehgarh along with other casual labourers, but he did not report.

3. The only relief which is being pressed now is that the respondents may be directed to consider the case of the petitioner for reengagement if and when a vacancy occurs..

4. Two submissions have been made in opposition to the relief claimed by the petitioner, first is that this is a belated application as, according to the records, the petitioner was disengaged as back as on 31.8.1985. If the petitioner is eligible otherwise, he is entitled to be considered on every occasion when a vacancy occurs. Therefore, this is a case of recurring cause of action. Hence the question that this is a belated application does not arise in this case.

5. The second objection is that the Principal Bench at Delhi has no jurisdiction to entertain this application as the petitioner was, in fact, employed in North-Eastern Railway and he has not given any particular to indicate that he is a resident of Delhi. It is true that in the body of the application, there is no assertion that he is a resident of Delhi. However, in the verification clause, he has described his address as R/o B-1040, Mangol Puri, Delhi-6. In the circumstances, we are inclined to entertain this application here.

6. We direct the respondents to consider the case of the petitioner for reengagement as Casual Labour if and when

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vacancy occurs. He shall be given preference over freshers.

7. With these directions, this O.A. is disposed of finally, but without any order as to costs.

*S.R. Adige*  
( S.R. ADIGE )  
MEMBER(A)

*S.K. Dhaon*  
(S.K. DHAON)  
VICE CHAIRMAN(J)

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