

(13)

Central Administrative Tribunal  
Principal Bench, New Delhi

O.A.No.251/92

New Delhi this the 6th day of May, 1996.

Hon'ble Shri B.K. Singh, Member (A)  
Hon'ble Dr A. Vedavalli, Member (J)

Shri Jai Prakash,  
S/O Shri Gulab Singh,  
Mohall Kyasthwara, Balmiki Basti,  
Secunderabad.  
KG-1/276, Vikaspuri,  
New Delhi. ....Applicant

(By Advocate : Shri S.K. Sahwney

VERSUS

Union of India, through

1. The General Manager,  
Northern Railway,  
Northern Railway,  
Baroda House,  
New Delhi.
2. Divisional Railway Manager,  
Northern Railway,  
State Entry Road,  
New Delhi. ....Respondents

(By Advocate : Shri PS Mahendru )

ORDER (ORAL)

(By Hon'ble Shri B.K. Singh, Member (A) )

This application was filed for non-engagement of applicant as per seniority drawn on the Delhi Division. Aggrieved by this action of the respondents this O.A. was preferred on 13th January, 1992. An interim order was passed on 31.1.92. The respondents were directed 'to consider engaging the applicant as substitute khalasi if vacancy exists in preference to his juniors and outsiders.'

(B)

(2)

2. In pursuance of the aforesaid order the applicant was engaged as un-screened casual labour, safaiwala grade Rs.750-940 in the revised pay scale and posted at Hazrat Nizamuddin against an vacancy. He passed the Medical Examination in B-7 vide order dated 24.4.93. Annexure R-1 is enclosed with the Counter reply.

3. The reliefs sought in the O.A. are :

(i) that this Hon'ble Tribunal may direct the respondents to treat the applicant in service from the date of his termintion i.e. W.e.f. 7.12.1970;

(ii) to direct the respondents to pay the applicant his wages for one year prior to the date of filing this application or in the alternative;

(iii) to re-engage the applicant in service from the date his juniors have been re-engaged by the respondents.

4. In the recent judgement the Hon'ble Supreme Court held - that where people are engaged either on daily or casual basis on availability of work, Tribunals/Court should not issue any orders regarding re-engagement or regularisation. This was in case of State of Himachal Pradesh Vs ~~Naresh~~ Kumar Verma <sup>Surekha</sup> and others

~~RE-1996/14/SC 37~~



(25)

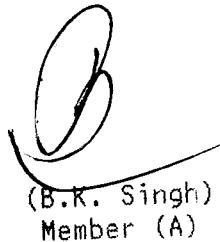
(3)

5. Since the applicant was not engaged and has been engaged only from 1.6.93 he is not entitled to any back-wages. However, the respondents will take into consideration the seniority as and when a regular vacancy occurs. He should be regularised in his turn, if he is otherwise qualified and eligible for the same.

6. With the above observations, the O.A. is disposed of but without any order as to costs.



(Dr A. Vedavalli)  
Member (J)



(B.K. Singh)  
Member (A)

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