

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(12)

O.A.No.2712/92 Date of decision:15.10.1993.

M.P.No.3197/92

Sh. Mangat Singh Applicant

versus

Union of India & ors. Respondents

Coram:-

The Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman

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

For the applicant : Sh. B.S. Maine, counsel

For the respondents : Sh. H.K. Gangwani, counsel

JUDGEMENT(ORAL)

(delivered by Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman)

The material averments in this application are these. The petitioner was engaged as a casual worker under the PWI, Northern Railway, Amroha w.e.f. 15.10.1973 and had continuously worked upto 14.8.1974 thereby completing total number of 270 days. He was again engaged on 14.2.1983 and had worked for various periods upto 14.9.1984 for a total period of 255 days. After 14.9.1984 his services has not been utilised. In accordance with Rule 25(1) of the Indian Railway Establishment Manual, he acquired a temporary status. His services were terminated without any notice or enquiry. The letter of the General Manager, Northern

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Railway dated 14.8.1987 states that the names of those casual workers who were discharged at any time after 1.1.1981 on completion of work or for want of further productive work should continue to be borne on record on the Live Casual Labour Register which should be maintained strictly as per the extant instructions and the casual labour should be assigned work in accordance with their seniority. Ignoring the said order of the General Manager, the respondents have not placed the name of the petitioner in the Live Casual Labour Register.

The prayer in the O.A. is that the impugned order may be quashed. The petitioner may be reinstated in service with all consequential benefits. There is a usual prayer that this Tribunal may issue any other order which this Hon'ble Tribunal may deem fit in this case.

No counter-affidavit has been filed on behalf of the respondents despite time being granted on numerous occasions. We are not inclined to grant any further time. In the absence of any counter-affidavit we have no option but to accept the averments made in the O.A.

A somewhat similar controversy came before this Tribunal at Allahabad in O.A.No.1220/88 decided on 14.3.1989. This Tribunal, in substance, took the view that in future the duty of maintaining the Live Casual Labour Register will be upon the opposite party suo-moto. This Tribunal also held that it was not necessary for the casual worker who had rendered service after 1981, to apply for the exclusion of his name in the Live Casual Labour Register. The petitioner having put in the

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requisite number of days off-service after 1981 and he having been engaged after 1981 was obligatory on the part of the respondents to include him in that register. We, therefore, presume that his name continues to be on the Live Casual Labour Register. Once it is held that, in the eyes of law, the petitioner continues to be on the Live Casual Labour Register it is obligatory on the respondents to offer him a suitable post, as and when vacancy arises, strictly in accordance with the serial maintained in the register. We, therefore, direct the respondents to act accordingly.

Sh. H.K. Gangwani, learned counsel for the respondents raised the question of limitation. The question of limitation was also raised in O.A.No.1220/88. This Tribunal took the view that, since in the eyes of law, the applicant before it continued to be borne on the Live Casual Labour Register, every time a casual worker other than him was reemployed a cause of action accrued to him. In these circumstances, this application cannot be thrown out on the ground of limitation.

With these directions, this application is disposed of finally. No costs.


(B.N. Dhoundiyal)

Member (A)


(S.K. Dhaon)

Vice-Chairman