

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

RA-9/94 in
OA-2745/92

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New Delhi this the 14th Day of September, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Acting Chairman
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

1. Union of India,
through its Secretary,
Ministry of Railways,
New Delhi.
2. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
3. The Divl.Railway Manager,
Northern Railway,
Moradabad.

(through Sh. B.K. Aggarwal, counsel)

versus

1. Sh. Kashi Ram,
S/o Shri Hathuri,) Ex.Casual Labour
under D.R.M.Northern
2. Sh. Joginder Pal Singh,) Railway,Moradabad.
S/o Sh. Bhunna Singh.)
3. Shri Satti Deen,)
S/o Shri Shiv Charan.)
4. Shri Asharfi Lal,)
S/o Sh. Deen Dayal.)
5. Sh. Rameshwar,)
S/o Shri Chutkanu.)
6. Shri Chotte Lal,)
S/o Shri Jawala.)
7. Shri Rajinder,)
S/o Shri Khem Karan.)
8. Shri Ram Vilas,)
S/o Shri Lekha.) Respondents in RA/
applicants in OA

ORDER (By Circulation)
delivered by Hon'ble Mr.B.N. Dhoundiyal, Member(A)

This review application has been filed by the respondents in O.A.No.2745/92. The review applicants have mentioned difficulties in implementing the following directions given by the Tribunal while

disposing of the O.A:-

"The interest of justice will be met if we direct the respondents to give fresh employment to the petitioners as casual labourers. We direct accordingly. The respondents shall offer fresh employment to the petitioners as casual labourers within the Division in which they were working as Casual labourers. They shall do so as expeditiously as possible but not beyond a period of three weeks from the date of presentation of a certified copy of this order by any of the petitioners." *By*

has been
The review ~~can be~~ filed on the ground that during the hearing of the case, the review applicants were not able to produce the live casual labour register. They have now stated that the applicants have been assigned the following serial Nos. in live casual labour register:-

	S1.No.of the Register
Sh. Kanshi Ram	22
Sh. Joginder Singh	86
Sh. Rajinder	39
Sh. Asharfi Lal	60
Sh. Ram Bilas	19
Sh. Rameshwar	32
Sh. Chote Lal	61
Sh. Satti Deen	3

According to them there are more than 200 persons waiting on the live casual labour register for being taken on employment. According to them non-adherence to seniority as shown in the register will lead to avoidable litigation. *By*

The review applicants have ignored another direction given in para-8 of the judgement which is extracted below:-

"The case has been taken up today. The learned counsel for the respondents is absent. Even the Live Casual Register is not before us. We presume, in the absence of the register, that the names of the petitioners are included in the Live Casual Register maintained by the respondents. The respondents shall consider the cases of the petitioners for regularisation of their services as and when their chances come."

A harmonious construction of the directions given in para-8 & 10 would show that the respondents have to re-engage the applicants in accordance with their position in the Live Casual Labour Register.

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We are constrained to comment on the negligent manner in which the review applicants have conducted this case. On 26.8.93, the learned counsel for the petitioners made a statement that the petitioners would be satisfied if the respondents produce the Leave Casual Labour Register. As prayed by the learned counsel for the respondents, two weeks were allowed for production of the same. Neither the register was produced nor the learned counsel for the respondents was present during the final hearing of the case on 27.9.93. Even this review application has been filed belatedly. According to their own admission, the judgement was received by the respondents on 8.10.93 while the review application was filed on 8.3.94. No

convincing explanation is given in for this delay.
MA-688/94 for condonation of delay fails and
consequently the review application is also dismissed.

B.N.D ✓
(B.N. Dhoundiyal)

Member(A)

SK
(S.K. Dhaon)

Acting Chairman

/vv/