

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

HON. SHRI R.K. AHOOJA, MEMBER 'A'

D.A. NO. 1031/1992

(9)

NEW DELHI, THIS 11TH DAY OF MARCH, 1997.

SHRI YAMIN  
S/o Sh. Saddiq  
Ex-Casual Labour Gangman  
under PWI Amroha  
AEN, Northern Railway  
Hapur

R/o 1367 Sector XII  
R.K. Puram  
NEW DELHI

...APPLICANT

'BY ADVOCATE - NONE'

VERSUS

1. UNION OF INDIA, through  
General Manager  
Northern Railway  
Headquarter Office  
Baroda House  
NEW DELHI

2. DIVISIONAL RAIL MANAGER  
Northern Railway  
Moradabad

3. ASSISTANT ENGINEER  
Northern Railway  
Hapur

...RESPONDENTS

'BY ADVOCATE - SHRI RAJEEV BANSAL  
proxy counsel for Shri B.K. Aggarwal'

ORDER 'ORAL'

The applicant is aggrieved by the action of respondents in terminating his services as Casual Labour 'CL' Gangman. He claims that he worked as CL Gangman from 8.6.1977 to 14.8.1984 and again for about 60 days in 1988, although the entries relating to 1988 have not been made in his CL Card. He claims that he having worked for more than 120 days acquired temporary status and his services could not be disengaged without giving him one month's notice. He also submits that the Railway Board

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has issued instructions that the names of CLs who were discharged at any time after 1.1.1981 ought to continue to be borne on the live CL Register, and these instructions have been reiterated in the Railway Board letter No.E'NG1/87/CL/38 dated 12.6.1987. He therefore prays that the respondents be directed to reinstate him as CL Gangman and grant him any further relief which may be deemed fit and proper in the circumstances of the case.

2. The respondents in reply deny the contentions of the applicant and state that his service were not terminated but he himself did not turn up for job after 14.8.1984. The present application, according to respondents, is time barred. They also deny that any representation was made, as claimed by the applicant, in 1989.

3. The O.A. was accompanied with an M.A. for condonation of delay on which notice was also issued to the respondents. Finally, the O.A. was admitted on 29.3.1993.

4. I have heard the ld. proxy counsel for respondents who reiterates that the application is time barred since the cause for action arose in 1984 and the O.A. was filed in 1992. The O.A. has been admitted after issuing notice on the MA for condonation of delay. In any case, the delay can be taken into account in moulding the relief. The applicant has sought re-engagement from the date his services were terminated in 1984. Since he himself has been late in seeking relief, no such direction can be given. However, the applicant is entitled to have his name continued on the live C.L. register in terms of the various Railway Board circulars issued by the Railway Board themselves, including the one No.220E/190-XII-A/EIV dated 28.8.1987 ('copy taken on record'). Para 9 thereof reads as under:

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"..... those C.L. discharged prior to 1.1.1981 and had not worked for two years, their names should be deleted except such C.L. who had made special representation in terms of PS No.9191 and 9195 'to be executed upto 31.3.1987' and considered eligible further, all C.L. discharged after 1.1.1981 their names are to be continued on the live C.L. register indefinitely."

5. It is not necessary, as stated by the learned proxy counsel, that the applicant has to present himself for his name being placed on the live C.L. register since this has to be done by the respondents themselves. It is not denied that the applicant had worked as C.L. Gangman from 1977 to 1984. He is thus entitled to have his name placed and continued on the live C.L. Register. The O.A. is therefore disposed of with the following directions:-

'i) The respondents will place the name of the applicant in the relevant live Casual Labour Register on the basis of the service rendered by him upto 1984.

'ii) The respondents will re-engage the applicant in case he makes a representation to that effect keeping in view his seniority on the live C.L. Register.

The O.A. is accordingly disposed of. No costs.

*R.K. Ahuja*  
'R.K. AHOOJA'  
MEMBER 'A'

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