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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.1057/92

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 11th day of April, 1997

1. Shri Sudden Parsad
s/o Shri Jitai Ram

2. Shri Pudden Parsad
s/o Shri Jitai Ram

(Both Ex- Casua Labourers under
PWI, NR, Shakurbasti)

c/o Shri B.S.Mainee
Advocate
240 Jagriti Enclave
DELHI - 110 092.

... Applicants

(By Shri B.S.Mainee, Advocate)

Vs.

Union of India through:

1. The General Manager
Northern Railway
Baroda House
New Delhi.

2. The Divisional Railway Manager
Northern Railway
State Entry Road
NEW DELHI - 110 001.

... Respondents

(By Ms. B. Sunita Rao, Advocate)

O R D E R (Oral)

The applicants claim that they had worked as Casual Labour for various periods; in the case of Applicant No.1 between April 1984 to February 1985 and Applicant No.2 from February 1984 to February 1985, under the PWI, Shakurbasti, Delhi. They state that their services have not been utilised after February 1985. They now seek a direction to respondents to place their names on the Live Casual Labour Register and re-engage their services immediately because juniors were subsequently appointed.

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2. The respondents in reply state that the applicants' names were dropped from the Live Casual Labour (CL) Register as per the Railway Board instructions No.E(NG)/11/80/CL/5 dated 10.12.1984 wherein recruitment of casual labour had been stopped and the applicants have been engaged only to meet an emergency situation. On completion of the emergency work, their services were dispensed with. They are therefore not entitled for the reliefs which they have sought.

3. I have heard the counsel on both sides. It is an admitted fact that the applicants have worked for the period they have claimed as casual labour and this period is after 1.1.1981. As per Railway Board circular No.E(NG) II/78/CL/2 dated 25.4.1986, those who have been discharged after 1981 have to be continued in the Live CL register indefinitely. In terms of the aforesaid instructions, applicants were entitled to have their names continued in the live CL register. The respondents say that their names were dropped as they have not worked for two years. This condition only applies to those who were discharged prior to 1981.

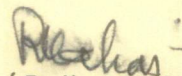
4. The ld. counsel for the applicants relies on the judgement by a coordinate Bench of this Tribunal in OA No.2308/91, in which case also the respondents' contention regarding limitation was discussed and it was concluded that the applicants were entitled to the relief of having their names continued on the live CL register. Since the facts of this case are also similar to those in OA No. 2308/91, relying on the decision in that case, the present OA is also disposed of with the following directions:-

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5. The respondents are directed to consider the applicants' case if they are eligible for such inclusion in terms of the Railway Board circular dated 28.8.1987 issued by GM(P), Northern Railway Headquarters. The applicants shall be given engagement as casual labour as and when need arises in accordance with their seniority in the register and the relevant rules. In order to enable the respondents to take such action, the applicants are directed to make a representation to the respondents along with full particulars of their service with proof, within a period of one month from the date of receipt of a copy of this order, to include their names in the live C.L. register. In case such a representation is received, the respondents shall take necessary action in accordance with law within a period of three months and intimate the applicants of the same.

6. The O.A. is disposed of ^{accordingly} _a No costs.


(R.K. AHOOGA)
MEMBER (A)

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