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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. 1413 of 1993

New Delhi this the 10th day of February, 1994

Mr. Justice S.K. Dhaon, Vice-Chairman  
Mr. B.N. Dhoundiyal, Member

Shri Rajinder Kumar  
R/o. Shri Mangla Puri  
(C/o Ashok Building Contractor)  
New Delhi-110045.

...Applicant

By Advocate Shri V.P. Sharma

Versus

1. Union of India through the General Manager,  
Northern Railway, Baroda House,  
New Delhi.

2. The Divisional Railway Manager,  
Northern Railway,  
Bikaner.

3. The Station Superintendent,  
Northern Railway,  
Rewari.

...Respondents

None for the respondents

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Vice-Chairman

The respondents have been duly served. They have put in appearance. On 13.07.1993 we issued notices to the respondents returnable on 24.08.93. On 24.08.93, the learned counsel for the respondents prayed for and was granted 4 weeks time to file a counter-affidavit. The matter was to be listed on 12.10.93. On 12.10.93, 3 weeks and no more was allowed to the respondents to file a counter-affidavit. On 16.11.93, counsel for the respondents appeared and prayed for and was granted 3 weeks further time to file a counter-affidavit. On 20.12.93, the learned counsel for the respondents appeared and prayed for and was granted 4 weeks further time to file a counter-affidavit. On 31.01.94, one week's further time was prayed for and was granted to the respondents to file a counter-affidavit. No counter-affidavit has been filed. It is distressing to note that the respondents have been wasting the time of the court again and again and yet they have not filed a counter-affidavit. The officer concerned is answerable for this lapse. The authority concerned shall take

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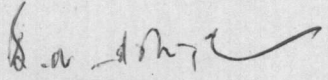
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
against the officer concerned  
appropriate action / and report the action taken by it to  
us. He shall do so within a period of one month.

2. In the absence of any counter-affidavit, we have no option but to proceed on the assumption that the averments made in the O.A. are correct. We are, therefore, disposing of this O.A. finally.

3. The material averments is that the applicant was engaged as a casual worker on 25.02.1981 as a loader under the Station Superintendent, Northern Railway, Rewari. In support of this assertion, a copy of the Casual Labour Card has been produced as one of the Annexures to the O.A. A perusal of this document indicates that between 5.2.1981 and 4.3.1981, the applicant was engaged as a loader in accordance with the Circular No.3308 dated 28.08.1987. The applicant having been discharged as casual labourer after 1.1.1981 was entitled to be put in the Live Casual Labour Register. Therefore, it should be assumed that his name appears in that Register. It necessarily follows that, if and when recruitment of a casual labour is made, the applicant shall be considered for such an engagement in accordance with the seniority assigned to him in the Register. The respondents shall do so in future.

4. With these directions, this application is disposed of but without any order as to costs.

  
(B.N. DHOUNDIYAI)  
MEMBER (A)  
10.02.1994

  
(S.K. DHAON)  
VICE CHAIRMAN  
10.02.1994

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