

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI:

O.A.2217/93

New Delhi, this the 26th October, 1994

Hon'ble Shri J.P. Sharma, Member (J)

Hon'ble Shri B.K. Singh, Member (A)

Shri Bishamber Singh,  
s/o Shri Sohan Pal Singh,  
R/o 65-Block C-2,  
Tuglakabad, New Delhi.

... Applicant

By Advocate: Shri A.K. Bhardwaj

Vs.

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

2. The Divisional Railway Manager,  
Delhi Division,  
Northern Railway, Paharganj,  
New Delhi.

3. The Asstt. Personnel Officer,  
Delhi Division, Northern Railway,  
D.R.M. Office, Paharganj,  
New Delhi.

4. The Inspector of Works,  
Northern Railway,  
Railway Station,  
Jaend.

... Respondents

By Advocate: Shri B.K. Aggarwal

ORDER (ORAL)

Hon'ble Shri J.P. Sharma, Member (J)

The case of the applicant is that his name is at S.No.115 in the list of casual labourers and he was not allowed to appear in the screening test while the juniors who are placed much below to him have been allowed. The applicant has prayed for

Le

...2.

the grant of the reliefs that the respondents be directed to re-engage the applicant as a casual labourer and thereafter to screen the applicant for regular absorption/ for grant of temporary status and thereafter any of the Group 'D' post.

2. A notice was issued to the respondents. The respondents in their reply have stated that the applicant has not completed the mandatory period of 120 days pre-requisite for grant of temporary status under IREM, Volume I.

3. The learned counsel for the applicant is not disputing this fact. In view of this, the applicant cannot be granted a temporary status uptill the time he completes 120 days. The respondents in para 4.2 have given the calculation of the number of days the applicant has put in as a casual labourer' i.e. 28 days in 1983. Since the applicant had at one point of time worked as a casual labourer so his name has been kept on Live Casual Labour Register. The applicant, therefore, cannot be granted the relief prayed for.

4. We also perused the rejoinder filed by the applicant but he has not disputed the averments made by the respondents in para 4.2 of the counter, regarding the period of working as casual labour.

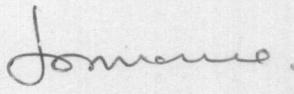
5. Taking all these facts into account we find that the applicant is not entitled for grant of temporary status and only when a <sup>is</sup> person granted temporary status, he becomes eligible for screening for becoming a member of the railways in Group 'D' post.

6. The learned counsel for the respondents however stated that whenever the applicant completes 120 days working, his case will be considered like others for grant of temporary status in his turn. Merely because some of those who are lower down in the list of Live Casual Labour Register having been granted temporary status, would not entitle the applicant for confirmant of temporary status against the rules.

7. In view of the above facts, application is dismissed as devoid of merit with the observation that the respondents shall consider the case of the applicant as and when he completes 120 days working and further he should be given engagement as per his seniority according to number of days <sup>-ed</sup> he has work taking into account serial number in the Live Casual Labour Register whenever the work is available in the Division of the Northern Railway.

Cost on parties.

  
(B.K. SINGH)  
MEMBER(A)

  
(J.P. SHARMA)  
MEMBER(J)

rk