

(S)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 2273 of 1993

New Delhi this the 29<sup>th</sup> day of July, 1994

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

Shri Jagdish Singh  
Ex. Casual Labour Gangman  
under Permanent Way Inspector,  
North Eastern Railway,  
Pilibhit.

...Applicant

By Advocate Shri B.S. Mainee

Versus

1. The General Manager,  
North Eastern Railway,  
Gorakhpur.
2. The Divisional Railway Manager,  
North Eastern Railway,  
Izatnagar.
3. The Permanent Way Inspector,  
North Eastern Railway,  
Pilibhit.

...Respondents

By Advocate Shri H.K. Gangwani

ORDER

Mr. Justice S.K. Dhaon, Acting Chairman

The material averments are these. The applicant was engaged as a casual labour Khalasi on 26.12.1972 and worked in that capacity till 15.09.1973 intermittently for a total number of 107 days. He was engaged on 30.06.1988 and worked there upto 15.09.1988 for 72 days. He was again engaged on 3.2.1989 and was discharged on 15.05.1989 after having worked for 99 days. He acquired temporary status. His services were terminated without following the procedure. On 02.03.90 he made a representation against the arbitrary termination of his services.

2. The reliefs claimed are these:-

(i) The impugned orders terminating the services of the applicant may be quashed.

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(ii) The respondents may be directed to re-engage the applicant in service after placing his name in the live casual labour register.

(iii) Any other relief which is considered fit and proper, may be granted.

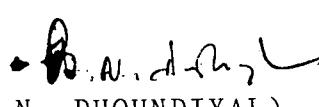
3. A counter-affidavit has been filed on behalf of the respondents. Therein, the material averments are these. The applicant had not completed 120 days of continuous service and, therefore, he did not acquire any temporary status. His name is borne on the live casual labour register maintained by A.E.N. at Pilibhit Office. The same is at S.No.610. The application is barred by limitation.

4. There can be no getting away from the fact that so far as the prayer for quashing of the order of termination is concerned, that cannot be granted. The application is blatantly barred by time so far as that relief is concerned.

5. The respondents have fairly stated that the applicant's name appears in the live casual labour register. Counsel for the respondent has stated at the Bar that the applicant will be considered for being given a fresh engagement as a casual labour strictly in accordance with his seniority, as mentioned in the live casual labour register.

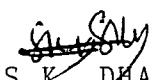
6. We direct the respondents to consider the case of the applicant for fresh engagement as a casual labour if and when the necessity for doing so arises and while doing so, they shall not disturb his seniority as maintained in the live casual labour register.

7. With these directions, this O.A. is disposed of but without any order as to costs.

  
(B.N. DHOUNDIYAL)

MEMBER (A)

RKS

  
(S.K. DHAON)  
ACTING CHAIRMAN