

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

DA No. 257/93

New Delhi this the 1st day of April, 1997.

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri Frakat
s/o Shri Rehman
Ex-casual Labour Khallasi under
IDU Garhmukteshar and Casual Labour
Gangman under PWI Hapur,
WZ 1073, Gali Garsa, Model Basti,
Delhi.

... Applicant

(None for the applicant)

Vs.

1. Union of India through
General Manager,
Northern Railway,
New Delhi.
2. Divisional Rail Manager,
Northern Railway,
Moradabad.
3. Assistant Engineer,
Northern Railway,
Hapur.

... Respondents

(By Advocate Shri K.K. Patel)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

None for the applicant, even on the second call.

The main grievance of the applicant in this case is with regard to the termination of his services as casual labour Khallasi/Gangman which he claims is not in accordance with the rules and law. The applicant has claimed that he had attained temporary status in accordance with the rules which the respondents have not denied. The applicant claims that he had worked with the respondents from 1979 to 1984. The respondents have submitted in their reply that even though the applicant had acquired temporary status, he never turned up for work after 1984 and hence he had been denied the benefit of Railway Board letter Policy vide GM(P) NR letter No. 220-E/190XII-A(Eiv) dated 14.8.1987.

2. The issues raised in this application have been settled by this Tribunal in a catena of judgment starting from Net Ram's case.

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3. In the facts and circumstances of the case, therefore, this application is partly allowed to the following extent:-

The prayer for reinstatement of the applicant as casual labour khallasi is rejected. Respondent 2 shall incorporate the name of the applicant in the Live Casual Labour Register maintained by them in accordance with the seniority as per the Railway Board's policy letter dated 14.8.87. In case they require the services of casual labour, they shall consider engaging the applicant in accordance with the scheme in preference to juniors. In the facts and circumstances, other prayers are rejected.

4. OA is partly allowed as above. No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

'SRD'