

Central Administrative Tribunal, Principal Bench

O.A.No.468/93

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

New Delhi, this 3rd day of January, 1997

Jaivir
c/o Shri Ramesh Chand Sharma
16/9961, Rambhihari Road
Sarai Rohella
Delhi - 110 005. Applicant

(By Shri U.Srivastava, proxy of Shri M.K.Gaur, Advocate)

Vs.

1. Union of India through:
The General Manager
Northern Railway
Baroda House
New Delhi.
2. The Divisional Railway Manager
Northern Railway Division
Delhi.
3. The Divisional Medical Superintendent
Northern Railway Division
Main Hospital
Delhi.
4. The Chief Health Inspector(Malaria)
Northern Railway Division
Main Hospital
Delhi. Respondents

(By Shri Yogesh Sharma, proxy of Shri K.K.Patel, Advocate)

O R D E R(Oral)

The applicant claims that he was engaged by the respondent No.4 in the year 1987 and was continued in service till 17.9.1991 as per the details in Annexure A2. The applicant states that he was disengaged on 17.9.1991 by a verbal order on the ground that there was no work available but was assured that whenever fresh work is available, the applicant would be called for. Despite this assurance, the applicant alleges that though he attended the office of the Respondent No.3 and 4, no work was provided to him. The applicant claims that he acquired temporary status

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on account of the services rendered by him and for further regularisation and could not be disengaged in the manner the respondents did.

2. It is stated that a reply was filed by the respondents though it is not available on the file. Nevertheless, Shri Yogesh Sharma, proxy counsel for Shri K.K.Patel, learned counsel for the respondents fairly states that respondents are ready to consider the name of the applicant for inclusion in the Live Casual Labour Register and if found eligible, to provide work to the applicant in accordance with his seniority. The learned proxy counsel for the applicant states that this should be done in accordance with his seniority in relation to the period he served as Casual Labourer.

3. In the circumstances, considering the submissions of the learned counsel on both sides, the OA is disposed of with a direction that the respondents will consider the inclusion of the name of the applicant in the Live Casual Labourer Register and if found eligible reengage him as and when work is available in preference to his juniors and outsiders, his seniority being counted with reference to the period the applicant rendered his services with Respondent No.4. No costs.

R.K.Ahooja
(R.K.AHOOJA)
MEMBER(A)

/rao/