

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

MA-3506/94

&

MA-4039/94

OA No.5/93

New Delhi this the 28th Day of March, 1995.

Hon'ble Sh. N.V. Krishnan, Vice-Chairman (A)
Hon'ble Dr. A. Vedavalli, Member (J)

Jagdish Parshad
S/o Sh. Banwari Lal,
at present resident of
Delhi C/o Ashok Contractor,
Mangla Puri,
New Delhi.

...Applicant

(By Advocate Sh. Yogesh Sharma, proxy for
Sh. V.P. Sharma, Counsel)

Versus

1. Union of India through the
General Manager,
Western Railway, Churchgate,
Bombay.

2. The Divisional Railway Manager,
Western Railway, Jaipur.

3. The Loco Foreman, (Maper Gang),
Locoshed, Swai Madapur. (Raj).

4. The Secretary,
Railway Board, Rail Bhawan,
New Delhi.

...Respondents

(By Advocate Mrs. Sunita Rao)

ORDER (Oral)
(Mr. N.V. Krishnan, Vice-Chairman (A))

The applicant was engaged as a casual labourer in the Railways for some time but was discontinued thereafter. He filed this application for a direction that on the basis of the standing instructions of the Railways he should be re-engaged and regularised.

(2)

15

2. The applicant has also filed two MAs, namely, MA-3506 and 4039 of 1994, in both of which a prayer is made that the OA itself will be disposed of on the basis of the orders in an earlier OA-2441/91 - Net Ram and Others vs. General Manager, Western Railway and Others decided on 26.5.94.

3. Though the respondents have filed a reply, contesting the claims of the applicant, yet in so far as the MAs are concerned, the learned counsel for the respondents states that she does not have any objection if the OA is disposed of on the basis of the directions given in OA-2441/91.

4. Accordingly, we dispose of this OA by granting permission to the applicant to file, within one month from the date of receipt of this order, a self contained representation giving the full particulars of his service along with proof thereof as also proof regarding his claim that he is entitled to the benefit of the above circulars and to have his name entered in the Live Casual Labour Register maintained by the Railways, as mentioned in the Northern Railway circular memorandum dated 28.8.87 referred to in para-16 of the judgement in Net Ram's case. In case such a representation is received, the respondents are directed to dispose of the same under intimation to the applicant, within a period of two months from the date of receipt of the representation in accordance with the provisions of law and keeping in view the provisions of the above circular. In case the applicant's name is included in the Live Casual

12

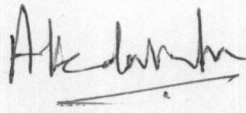
(3)

16

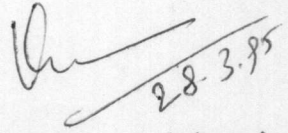
Labour Register, his case for regularisation may be considered in accordance with law on the basis of his seniority in that Register. Further, if the need to engage any casual labour arises, his name should be considered in accordance with his seniority in preference to his juniors and outsiders.

5. The OA is disposed of accordingly. No costs.

6. Consequently, MAs are also disposed of.



(Dr. A. Vedavalli)
Member(J)


28-3-85

(N.V. Krishnan)
Vice-Chairman(A)

'Sanju'