

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 108/93
M.A. 3975/94 &
M.A. 357/95

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New Delhi this the 7th day of April, 1995

HON'BLE SHRI N. V. KRISHNAN, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Jai Bhagwan S/O Bhup Singh,
R/O H. No. 141,
Vill. & P.O. Dhanas,
Najafgarh, New Delhi.

... Applicants

(By Shri M. K. Gaur, proxy for Shri V. P. Sharma,
Advocate)

Versus

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

2. The Divisional Railway Manager,
Northern Railway, Bikaner.

3. The Assistant Engineer,
Northern Railway,
Mohindergarh (Haryana). ... Respondents

(None present)

ORDER (ORAL)

Shri N. V. Krishnan, V.C. (A) —

The applicant was engaged as casual labourer in the Railways in 1985 for some time whereafter he was disengaged. He has, therefore, prayed for a direction to the respondents to re-engage him and declare the action of the respondents in engaging juniors and outsiders as illegal. The respondents have resisted this claim.

2. Subsequently, the applicant filed M.A. No. 3975/94 for a direction to dispose of his O.A. on the basis of the judgment rendered in O.A. No. 2441/91. Notice was sent to the respondents in respect

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of this M.A. to which no reply has been received though they may have been served. The applicant has also filed M.A. 357/95 by which he seeks a direction to take on record the belated rejoinder filed by him in reply to the counter filed by the respondents in the O.A. We have heard the learned counsel for the applicant. The decision in O.A. No. 2441/91 - Net Ram & Ors. vs. Union of India & Ors. was rendered in a similar case. In the circumstances, we are of the view that this O.A. can also be disposed of in the light of that decision. Hence, M.A. 3975/94 stands disposed of. Accordingly, it is not necessary for us to pursue the matter regarding M.A. 357/95 regarding the rejoinder. Following the decision in Net Ram's case, we dispose of this O.A. 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 circulars issued by the Railway Board in this behalf 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 28.8.1987 referred to in para 16 of the judgment 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 provision of law and keeping in view the provisions of the above

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circular. In case the applicant's name is included in the live casual 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.

3. The O.A. is disposed of accordingly.

A. Vedavalli

N. V. Krishnan
9.4.95

(Dr. A. Vedavalli)
Member (J)

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

/as/