

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 437 of 1996

Allahabad this the 27th day of May, 2004

Hon'ble Mr. Justice S.R. Singh, Vice Chairman
Hon'ble Mr. S.K. Hajra, Member (A)

1. Paras Nath Son of Shri Munner, r/o Village Sahala
Post Office Malkauli, District Deoria.
2. Rama Nand Son of Sri Jagannath Yadava, r/o Village
Bhaisali, Post Office Naini via Lar, District Deoria.

Applicants

By Advocate Shri J.P. Gupta

Versus

1. Union of India through General Manager, Northern
Eastern Railway, Gorakhpur.
2. The Divisional Railway Manager, Northern Eastern
Railway, Varanasi Division, Varanasi.

Respondents

By Advocate Shri Prashant Mathur

O_R_D_E_R (Oral)

By Hon'ble Mr. Justice S.R. Singh, V.C.

The applicants herein have instituted this O.A. claiming regularisation of their services on Class IV post. The applicants claim to have appointed as Casual Labour at Bhatni on 04.02.1974 and 01.10.74 respectively. It is alleged in the O.A. that they were medically examined and after screening granted temporary status. It is further alleged that representations were filed seeking regularisation but the

respondents failed to decide the representation. They have placed reliance upon certain certificates and the order dated 12.03.1981(annexure-8), which is in fact a list of casual/substitute labourers. Name of the applicant no.2 finds place at serial no.86 in the said list. The applicants claim to have preferred a representation dated 09.11.1995, copy of which has been annexed as annexure-9, for regularisation of their services.

2. The claim of the applicants for regularisation who ^{have} ~~not~~ have stated in has been denied by the respondents ~~xxx~~ have stated in their counter-affidavit that the claim for regularisation depends upon the verification of the facts as to whether the applicants have been working in the Organisation. It is alleged that the applicants' claim for regularisation is devoid of merit and the O.A. is liable to be dismissed.

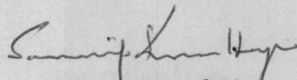
3. The name of the applicant no.2, it is alleged in the counter-affidavit, was not doubt in the list of casual/substitute labourers referred to above but that list was provisional and his name does not find place in the subsequent list published after verification. It is also stated that the representation dated 09.11.95, allegedly filed by the applicants, is not available on record.

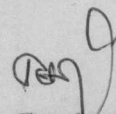
4. It is not disputed that railways have framed a Scheme for regularisation of casual/substitute labourers pursuant to the direction given by the Hon'ble Supreme Court in the case Indra Pal Yadav. However, the facts remains that only casual/substitute labourers are entitled for consideration who have been granted

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temporary status and whose names find place in the Live Casual Labour Register of the respective unit. The applicants in the present case have produced no documents in support of their claim that they were granted temporary status nor they have filed any document to ~~show~~^{show} ~~suppose~~ that their names find place in the Live Casual Labour Register. It is not disputed that grant of temporary status depends upon fulfilment of certain conditions including the once that casual labour has to work for 240 days in a year and it is only grant of temporary status that a casual labour becomes entitled to be considered for regularisation on fulfilment of certain other conditions, as submitted in the scheme framed by the railways pursuant to the directions given by the Hon'ble Supreme Court in the case of Indra Pal Yadav. On the basis of material on record, it is not possible to hold that the applicants acquired any right to be considered for regularisation.

5. In view of the above, O.A. fails and dismissed accordingly. No order as to costs.


Member (A)


Vice Chairman

/M.M./