

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

DATED: THE 8TH DAY OF DECEMBER 1998

CORAM : HON'BLE MR. S.L.JAIN, J.M.

HON'BLE MR. G.RAMAKRISHNAN, A.M.

ORIGINAL APPLICATION NO. 1086 OF 1996

Murali, aged about 48 years, son of Mata Bhikh,
resident village Choghara Jangal Dhusar, Post Office
Haidarganj, District Gorakhpur.

.... Applicant

C/A Shri A.K.Srivastava, Adv.

Versus

1. Union of India, through the Chairman,
Railway Board, Rail Bhawan, New Delhi.

2. General Manager, N.E.R. Railway,
Gorakhpur.

3. Deputy Chief Engineer, N.R.Railway,
Gorakhpur.

.... Respondents

C/R Shri D.C.Saxena, Advocate.

J.C.D.

ORDER

BY HON'BLE MR. S.L.JAIN, J.M.-

This is an application under section 19 of the Administrative Tribunal Act 1985 for an order/direction in the nature of mandamus to regularise the service of the applicant as unskilled worker ignoring the artificial break in service and reinstatement with all consequential benefits.

2. The applicant's case in brief is that he was appointed as unskilled labour on daily wages, w.e.f. 1.4.65 under respondent no.3 and he continuously worked there as daily wager. Some juniors have been regularised in service. Co-worker Baijnath along with others filed O.A. No.73/92 before this Tribunal which was allowed and a direction for regularisation was issued. His representation did not find favour with the authorities, hence this O.A. for the above said relief.

3. The respondents admitted the fact of appointment of the applicant as unskilled labour and his working in C.T.C. and 204 Unit Double Story Building at Bichhia Gorakhpur with effect from 1.4.65 and worked for a period of more than 240 days a year, filing of O.A. No.73/92 Baijnath & others and the decision therein on 26.3.96, alleged that appointment was on open line for short period in Town Engineering North East Railway, Gorakhpur and after completion of work they were discharged. They further stated that no fresh faces have been appointed or absorbed except S.C. candidates of O.A. No.358/89, 61/92, 1092/91, 1255/91 and 1226/91. In O.A. No.73/92 filed by Baijnath and others all those casual labours who have worked prior to 1.1.81 in the unit were enrolled in casual Live Register. The name of the applicant is also mentioned in the said register at S.No.112. They shall be absorbed after their screening, when vacancy arises. The applicant shall also be entitled for regularisation

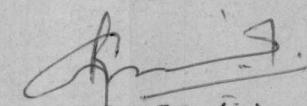
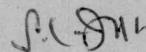
J.S.DK/

on his turn. Hence prayed for dismissal of O.A.

4. The applicant has not filed any rejoinder affidavit to rebut the facts mentioned in counter affidavit.

5. On the facts admitted by the respondents the right to be enrolled on casual Live Register is established, which has already been done by the respondents and the applicant is at S.N.112. None of the juniors to the applicant of General Category had been regularised. The applicant has no cause of action for regularisation or what so ever.

6. In the result, O.A. is liable to be dismissed and is dismissed accordingly with no order as to costs.


MEMBER (A)
MEMBER (J)

Gc