

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD.

Original Application No. 1089/96

Dated: Allahabad, This The 17th Day Of May 2000

CORAM:

Hon'ble Mr. S. Biswas, A.M.

Virendra Kumar, aged about 43 years,
s/o Shri Genda Singh, 1/o Mohalla Bsthla Sherkat,
District Bijnor.

.....Applicant

(By Adv: Sri M. Upadhyay)

Versus

1- Union Of India, through the General Manager
Northern Railway, Baroda House, New Delhi.

2- Inspector Of works,
Northern Railway, Dehradun.

3- A.E.N. Northern Railway,
Roorkee.

4- Divisional Railway Manager,
Northern Railway, Moradabad.

..... Respondents

(By Adv: Sri A.C. Mishra)

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O R D E R

(by Hon'ble Mr. S. Biswas, A.M.)

1- The applicant who worked for 563 days, as casual Labour from 1976 to 1978 is seeking directions to the respondents that the applicant be taken on duty from 1-3-78 and arrear wages paid from that date and he be declared fit for regular appointment.

2- It is not in dispute that the applicant joined as Casual Labour, (Khallasi) in Moradabad Division and worked in different spells and he held a Casual Labourers Card No 6494 issued by the respondents. Only 120 days required then for taking the question of regularisation whereas he worked for 563 days. His name was also included in Live Casual Labour Register. But the respondents did not take any action for regularisation. Despite several representations after he was discharged on 1-3-78, his case is pending.

3- It is also mentioned that his name appears in Live Casual Labour Register and the applicant has not been given duty from 1-3-78. Nor his petition has been favourably disposed of.

4- In a case, Hukam Singh vs. Union Of India and others No. 747/93, 24 Administrative Tribunals Cases. Direction was given to consider the case of the applicant who filed his petition after 11 years. The applicant's counsel has prayed for a favourable direction so that his case is considered.

5- I have heard both the sides. It is not denied that the applicant was discharged after 18 years. He left the job as per submission of the respondents' counsel. It has also been affirmed that the application is present 54 years of age and no one else from the

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Casual labourer list has been appointed, submitted so far by passing the applicant. No junior to the applicant has been engaged and in turn or the applicant in order of all probably as and when the seniority of the applicant comes for consideration, he would be considered. The respondents ~~should give~~ given and give suitable opportunity.

6- The applicant has asked for direction as well as arrear pay. Since he was not in service, No question of payment of arrear would arise and hence the plea is not accepted. The learned counsel for the respondents has stated that the O.A. is grossly time barred. The applicant left the job 18 years back. The applicant's counsel prayed that taking ratio of 1993, 24 Administrative Tribunals cases, (747) in Hukan Singh Vs. Union Of India, a limited direction can be given to the respondents to consider this case. Even now his name figure in Live Casual Labourer Register and the issue is not dead.

7- In view of the foregoing, the application disposed of with the following directions. The respondents No. 3 and 4 are directed to take the representation dated 1-3-78 on record, and give the applicant an opportunity to be regularised after necessary test in a suitable job with 8 weeks from receipt of this order.

8- No order as to costs.

S. Banerjee
A.M.

A.A./