

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 27th day of November 2000.

Original Application no. 990 of 1996.

Hon'ble Mr. S. Dayal, Administrative Member

Chandra Mani,  
S/o Paras Nath,  
R/o village Narottampur,  
Post Office Umraha (Aurai),  
Distt. Bhadehi.

... Applicant

C/A Shri H.P. Pandey, Shri S.D. Pandey

Versus

1. Union of India through General Manager,  
Northern Railway, N.R. Baroda House,  
New Delhi.

2. Rail Recruitment Board, N. Rly., Allahabad,  
through its Secretary.

... Respondents

C/Rs Shri A.K. Gaur

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O R D E R (Oral)

Hon'ble Mr. S. Dayal, Member-A.

This OA has been filed under section 19 of the A.T. Act, 1985 for :-

- a. For direction to the respondents to employ the applicant on the post of writing work on which he had already worked for more than 240 days with small breaks and since juniors to the applicant have been appointed.
- b. direction to the respondents to enter the name of the applicant in the Live Casual Labour Register.
- c. direction to the respondents to allow the applicant to discharge duties as casual worker interested in writing work in the department.
- d. to award cost to the applicant.

2. The applicant has claimed that he was appointed for writing work from 25.7.83 to 26.2.84, he has annexed a service card, which shows that he worked from 25.7.83 to 22.8.83, 26.8.83 to 25.11.83, 27.11.83 to 8.2.84 & 9.2.84 to 26.2.84. The applicant claims to have attained temporary status and also claims that he was denied work after 26.2.84. He claims that he made representations on 17.1.85, 11.12.87, 20.7.90, 17.1.92, 2.4.94 and 12.4.96. The applicant, however, annexed only the representation dated 12.4.96 as an annexure.

3. Heard learned counsel for the parties and perused the record.

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4. The respondents have denied the claim by mentioning that the applicant's claim suffers from bar of limitation as it has been made after 14 years, that no names of his juniors have been given & that the letter of engagement as well as letter of termination have not been produced by the applicant. The respondents have also stated that after 1981 only General Manager, had power to engage fresh faces as casual labour. The applicant claims to have been engaged on 25.7.83 but has furnish no prove.

5. In the light of the pleadings of the parties the reliefs of engaging the applicant and direction to the respondents to allow him to discharge his duties on casual writing work cannot be given because the applicant has not furnished any <sup>proof &</sup> prove that persons junior to him were engaged. Learned counsel for the applicant has drawn attention to MA 2173 of 1996 in which the claim has been made that persons junior to the applicant have been screened for regularisation. However, MA 2173 of 1996 has not been served on learned counsel for the respondents and the body of the application does not mention as to who were junior to the applicant in the list attached to the said application. The claim of the applicant that persons junior to him were appointed <sup>✓</sup> remains unestablished.

6. Learned counsel for the applicant has, however, produced the original casual labour card of the applicant showing that the applicant was engaged by the Chairman, Railway Service Commission and worked for the period mentioned earlier. He relied upon copy of the letter no. E(NG)/II/78/CL/2 dated 22.11.84, in which it has been

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provided in the last paragraph as below :

" It may be clarified that as per extant orders, if a Casual labour retrenched on completion of work does not accept the offer made or turn out for work when offer is made to him on availability of fresh work, he loses the benefit of the provisions spell of employment as casual labour."

7. The respondents have not considered the claim of the applicant for being entered in the Live Casual Labour Register. The claim of the applicant for being placed on the live register can only be entertained by his previous employer namely Railway Service Commission or its successor that is Railway Recruitment Board, <sup>C</sup> ~~if~~ <sup>L</sup> the practice of keeping names on Live Register for Casual Labour is applicable to Railway Service Commission and its <sup>L</sup> successor.

8. Under the circumstances, I direct the respondent no. 2 to consider the claim of the applicant for placing his name on Live Casual Labour Register for casual labour within a period of 3 months from the date of communication of this order and inform the applicant of the decision taken. The OA stands disposed of with the above direction.

9. No order as to costs.

  
Member-A

/pc/