

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 5th day of July, 2001.

Original Application No.1334 of 1997.

CORAM:-

Hon'ble Mr. SKI Naqvi, J.M.

Subhash Singh Son of Shri Lagan Singh,  
R/o Village Pandeypur,  
Post-Kushahari,  
District-Deoria (U.P.)

(Sri V.K. Srivastava, Advocate)

. . . . .Applicant

Versus

1. Union of India through its General Manager,  
N.E. Railway, Gorakhpur.
2. Divisional Rail Manager, North Eastern Railway,  
Lahartara, Varanasi.
3. Station Superintendents, North Eastern Railway,  
Chhupra, Kutchrey, Chhupra.

(Sr Prashant Mathur, Advocate)

. . . . .Respondents

O R D E R (O\_r\_a\_l)

By Hon'ble Mr. SKI Naqvi, J.M.

The applicant was initially engaged as Seasonal Watermant on 01-6-1982 and worked in the respondents' establishment till 22-8-1990 in different <sup>Spells</sup> spans. His name is at Serial No.229(a) in the Live Casual Labour Register. He is also <sup>found</sup> medically fit for A-2 category. The applicant has a grievance that inspite of his having worked for more than 2000 days and being in the Live Casual Labour Register, juniors to him have been <sup>engaged</sup> ~~ranked~~ ignoring his claim for which he preferred his representation but of no avail and, therefore, he has come up seeking relief to the effect that respondents be directed to appoint him on regular basis to Class IV post and to pay salary right from 22-8-1990.

S C R - ^

2. The respondents have contested the case, filed counter reply and disputed the position of number of days as claimed by the applicant and also mentioned that initial appointment of the applicant was not in accordance with rules in this regard because his appointment was not approved by the competent authority in the department. Therefore, he is not entitled to get credit for those days he worked. It has not been disputed that the applicant's name is <sup>entered in</sup> Live Casual Labour Register. Plea of bar of limitation has also been ~~placed~~, <sup>pressed</sup>.

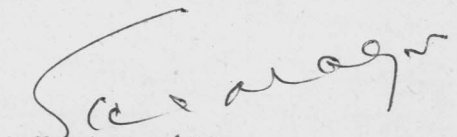
3. Heard learned counsel for the parties and perused the record.

4. It is not in dispute that the name of the applicant figures in the Live Casual Labour Register. Obviously his name <sup>could</sup> ~~should~~ have been entered after taking into consideration the days he <sup>actually</sup> ~~performed~~ worked, and, therefore, he becomes entitled to its consequential benefits. The applicant has claimed the relief for appointment on regular basis and also arrears of salary. Learned counsel for the applicant <sup>admits</sup> ~~mentions~~ that no such relief can be granted by the Tribunal. Only a direction for consideration may be issued if the case of the applicant is found to have some merit.

5. For the above, the OA is decided with the direction as under.

6. The competent authority in the respondents' establishment to take care that the case of the applicant for appointment be considered, at the time when there is any recruitment to Class IV post, in accordance with eligibility and entitlement of the applicant as per rules and care be taken that he is not discriminated against those who do not have better claim than him.

7. The OA is decided accordingly. There shall be no order as to costs.

  
Member (J)