

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 4th day of January 2001.

Original Application 1057 of 1997.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member

Avinashi Prasad, S/o late Shri Laxman Prasad,
R/o Vill. Bheeti, P.O. Mahgaon, Tehsil Chail,
Distt:- ALLAHABAD.

... Applicant.

C/A Shri Rakesh Verma

Versus

1. Union of India through General Manager,
N. Rly., Baroda House,
NEW DELHI.
2. The Divisional Railway Manager,
Northern Railway,
ALLAHABAD.

... Respondents

C/Rs Shri A.K. Gaur

O R D E R(Oral)

Hon'ble Mr. S.K.I. Naqvi, Member-J.

After having put in 210 working days during

...2/-

See

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16.04.1980 to 14.08.1981, the applicant was not given the entitled benefit of service by way of re-engagement and regularisation. He alongwith several others preferred an O.A. 944 of 1991 which was decided on 06.02.1993 with the direction to the respondents "to include the names of the applicant in the Live Casual Labour Register and also in the computerised list at appropriate places ~~as~~ of their seniority and consider their re-engagement in the vacancies that exsist or in the vacancies that are likely to occur in future." Being not satisfied with compliance of the direction the applicants therein including the present applicant namely Shri Avinashi Prasad preferred a contempt petition, in which the Tribunal was satisfied from the reply and that contempt petition~~s~~ no. 922 of 1993 ^{was} ~~was~~ dismissed on 21.11.1996. However, there was some other direction in respect of Shri Ram Achal, the petitioner therein, who is not here in this O.A.

2. Now the applicant claims that in the referred contempt petition there was a statement from the side of respondents that although who had 165 ⁶⁵ ~~are~~ above working days they have been screened and regularised, but the applicant has not been given that benefit inspite of having worked for 210 days and, therefore, he has come up seeking direction to the respondents to regularise him as casual labour and to consider him for regularisation against Group 'D' post.

See —

...3/-

3. The respondents have contested the case and filed CA with specific mention that the applicant has not worked for number of working days as he has alleged because the same could not be verified from the records maintained in the respondents establishment. It has also been pleaded that the evidence produced by the applicant in support of his contention regarding the number of working days he has worked was found not authentic and reliable and, therefore, he could not be regularised as per direction in OA 944 of 1991.

4. Heard the learned counsel for the rival contesting parties and perused the record.

5. This matter has already been thrashed at length in the previously filed OA 944 of 1991 and the consequential contempt petition as referred above. Learned counsel for the applicant mentions that the contempt petition was dismissed because of a submission from the side of respondents that the name of the applicant was put in Live Casual Labour Register and given in the computerised list. It was a subsequent event that the applicant was not regularised and re-engaged because his number of working days fell short of 165 days which was the position of casual labour last engaged at that time when the matter was heard in contempt petition. Now the fresh cause of action accrued when the respondents

have denied to acknowledge the actual number of working days which comes 210 and as per respondents it is even less than 165 days.

5. It appears that the applicant could not satisfy the authority in the respondents establishment regarding the number of working days he has actually worked and, therefore, the OA is decided with the direction that in case the applicant makes a fresh representation within 4 weeks mentioning therein the actual number of working days and also producing the authentic and reliable evidence in support thereof, the same be decided within 4 months, thereafter, by passing reasoned, speaking and detailed order. The OA is decided accordingly at admission stage. No order as to costs.

Secular
Member-J

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