

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

C.A./Review/A. No.

In

O.A. No./T.A. No. 871 of 1997

Date of decision 11/1/2000

Dukhi

Applicant(s)

Sh. Sanjay Kumar

Counsel for the  
Applicant(s)

Versus

Union of Indians

Respondent/Upp.  
Party

Sh. A. Gupta

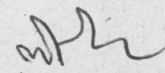
Counsel for the  
Respondents/Upp.  
Party

CURAM

Hon'ble Mr. Mr. Seth V.G./Member (A)

Hon'ble Mr. \_\_\_\_\_ Member ( )

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether their Lordship wise to see the fair copy of the judgment?
4. Whether to be circulated to all Benches ?

  
( signature )

/M.M./

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 11th day of January, 2000.

Original Application no. 871 of 1997.

Hon'ble Mr. M.P. Singh, Administrative Member.

Dukkhi Lal, S/o Shri Ram Prasad,  
R/o Village Lachhapatti,  
Fatha Mouheriya, Tehsil Sadar,  
Distt. Mirzapur.

... Applicant.

C/A Shri Sanjay Kumar

Versus

1. The Union of India through its Secretary  
Ministry of Railways, New Delhi.
2. The Divisional Railway Manager, D.R.M. Office,  
Northern Railway, Allahabad.
3. Vrishtha Mukhya Abhiyanta (Sa) Northern Railway,  
Allahabad.
4. The Electrical Foreman (Power) Northern Railway,  
Mirzapur.

... Respondents.

C/R Shri A. Tripathi.

*and*

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ORDERHon'ble Mr. M.P. Singh, Member-A

The applicant was appointed as Casual Turner by the Electric Foreman (Power), Northern Railway, Mirzapur (respondent no 4) on 06.01.1984 and continued to work as Casual Turner up to 1986. Thereafter, his services were dispensed with. According to the applicant he was informed orally that his name has been put in panel list and he would be given employment as and when a vacancy arises in future. According to him Casual labourers who worked between the year 1986-91, have been absorbed as permanent class IV employees and are working in Allahabad, Division. On the other hand the applicant worked between January 1984 to July 1986 but has not been provided with a job. The applicant has worked for more than 880 days during this period. He also states that a panel list was prepared of all the persons who had worked for more than 180 days after 1978 and several persons were given employment as Class IV employees in the department. The applicant has made representation to respondent no. 2 and 4, requesting therein that he may be given appointment as Class IV employee. He has sought the following relief:-

- a. To issue an order or direction commanding the respondents to give appointment and absorb the petitioner as a regular candidate in the Railway Department as a Class IV employee.
- b. To issue any order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

2. The respondents have admitted that the panel list was prepared by the Railway Administration. The applicant



was also sent alongwith other casual labourer for preparing a panel during the year 1986. The applicant attended the test but he could not pass the said test and as such his name was not <sup>kept</sup> in the panel to be absorbed against the regular vacancies. Respondents have also admitted that priority register of casual labourers are being maintained and the name of the applicant has been kept in priority register of casual labourers. Since no vacancy of casual labour arose, the applicant could not be absorbed as casual labour.

3. It is not in dispute that the applicant has worked for more than 880 days. A certificate to this effect has been given by the Railway Authorities in the record of service as casual labourers (Annexure to O.A. page no. 17 and 18). Learned counsel for the respondents was directed to produce a copy of guidelines prescribing procedure and the requirement for holding screening test for absorption of casual labourers. The Record has not been produced. It is presumed that the same is not available in the office of the respondents.

4. In view of the facts and circumstances of the case, the applicant is entitled to succeed. I, therefore, direct the respondents to regularise and absorb the applicant on regular basis within a period of three months from the date of communication of this order.

5. No order as to costs.

  
Member-A