

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD.Allahabad This The ^{11th} Day Of May, 2000

Original Application No. 874 of 1997

CORAM:

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

1. Surendra Singh, son of Shri
Balешwar Singh, r/o Village
Naraon, Post: Naraon, Thana: Autar
Nagar, Distt: Saran (Bihar)

2. Rajbali Mahto, son of Shri Hari
Lal Mahto, r/o Village: Chhot Jhawa,
Post: Jhawa, Thana: Autar Nagar,
Distt: Saran

3. Hari Charan Mahto, son of Shri Jairam
Mahto, r/o Village Sabalpur, Post: Sabalpur
Thana: Sonapur, Distt: Saran.

4. Dhruv Rajan Biswas, son of Shri Jagdavan
Singh, r/o Village Madanpur, Post: Naraon,
Thana: Autar Nagar, Distt: Saran.

5. Paras Nath Manjhi, Son of Shri Sakaldeo
Manjhi, r/o Village Balha, Post: Pandit
Ke Rampur, Thana: Bhagwanpur Hatt, Distt:
Saran.



6. Ram Agya Prasad, son of Shri Rameshwar Prasad, r/o Village Maithawalia, Post: Chan Chaora, Thana: Muphsil, Distt: Saran.
7. Surendra Mishra, son of Shri Harinandan Mishra, r/o Village and Post: Jhawa, Thana: Autar Nagar, Distt: Saran.
8. Narendra Kumar Singh, Son of Shri Rameshwar Singh, r/o Village Badalpura, Post: Gultainganj Thana: Doriganj, Distt: Saran.
9. Deo Prasad Singh, Son of Shri Raj Narain Singh, r/o Village and Post: Kachnar, Thana: Rivelganj, Distt: Saran.
10. Dooki Singh, son of Shri Raj Ballabh Singh, r/o Village and Post: Kachnar, Thana: Rivelganj Distt: Saran.
11. Raj Ballabh Mahto, son of Shri Hari Lal Mahto, r/o Village Chhot Jhawa, Post: Jhawa Thana: Autar Nagar, Distt: Saran.
12. Awadesh Kumar Singh, son of Shri Triloki Nath Singh, r/o Village Naraon Tola, Post: Naraon, Thana: Autar Nagar, Distt: Saran.
13. Ram Janam Prasad, son of Shri Dina Nath Prasad, r/o Village: Milkhi, Post: Kumna, Thana: Kopa, Distt: Saran.

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14. Ashok Kumar Singh, son of Shri Devendra Singh, r/o Village: Madanpur, Post: Naraon Thana: Autar Nagar, Distt: Saran.
15. Deo Kumar Prasad, son of Shri Satya Narain Prasad, r/o Village: Ratanpur Bindtola, Post: Chapra, Thana: Mushphsil, Distt: Saran.
16. Raghu Bans Rai, son of Shri Ram Dahn Rai, r/o Village: Haranpurwa, Post: Chaora, Thana: Mushphsil, Distt: Saran.
17. Harendra Rai, son of Shri Ram Dahn Rai, r/o Village: Hasanpurwa, Post: Chan Chaora, Thana: Musphsil, Distt: Saran.
18. Mahesh Singh, son of Shri Subedar Singh, r/o Village Naraon Tola, Post: Naraon, Thana: Autar Nagar, Distt: Saran.
19. Bhola Singh, son of Shri Sukhaur Singh, r/o Village and Post: Naraon: Thana: Autar Nagar, Distt: Saran.
20. Jitendra Kumar Singh, son of Shri Shiv Nath Singh, r/o village Panch Patia, Post: Deoria: Thana: Autar Nagar, Distt: Saran.
21. Mithilesh Kumar, son of Shri Ram Anugarh, r/o Village Pachptia, Post: Deorial Thana: Autar Nagar, Distt: Saran.

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22- Umesh Kumar Singh, son of Shri Jai Narain Singh, r/o Village Gopalpur, R.O. Naraon, Thana: Avatar Nagar, Distt: Saran (Chapra)

23- Lal Babu Rai, Son Of Shri Sunil Rai, r/o Village: Gopalpur, Post: Naraon, Thana: Avatar Nagar, Distt: Saran.

24 Yogendra Rai, son of Shri Shiv Balak Rai, r/o Village: Hasanpurwas, Post Office: Chan Chaora, Thana: Muphsil, Distt: Saran (Chapra)

25- Radheshyam Pasawan, son of Shri Rajendra Pasawan, r/o Village: Mala, P.O.: Gurkul Mehiya, Distt: Saran (Chapra)

26- Paras Prasad, son of Shri Jitan Prasad, r/o Village: Kharati, Post: Traia, Thana: Traia, Distt: Saran.

27- Brij Kishore Singh, son of Shri Bhagwan Singh, r/o Village: Sherpur, Post: Ghaighata, Thana: Chapra, Thana: Muphsil; Distt: Saran.

28- Jai Prakash Narain Yadav, Son of Shri Chandrika Prasad, r/o Village: Naini Pachhim Tola, Post: Naini, Thana: Muphsil, Distt: Saran.

29- Shivji Rai, son of Shri Suphal Rai, r/o Village: Mai thawalia, Post: Chaora, Thana: Muphsil, Distt: Saran.

30- Ram Chandra Rai, son of Shri Brij Kishore Rai, r/o Village: Narainpur, Post: Rahampur, Thana: Basant, Thana: Garkha, Distt: Saran.

31- Audeh Singh, son of Shri Ram Chandra Singh, r/o Village: Madanpur, Post: Naraon, Thana: Avatar Nagar, Distt: Saran.

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32- Chandarama Prasad, son of Shri Rameshwar Prasad, r/o Village: Maithawalia, Post: Chanchowra, Thana: Mushphsil, Distt: Saran.

33- Sukhnandan Singh, son of Shri Rameshwar Singh, r/o Village: Driapur, Post: Baruwa, Via: Sonapur, Thana: Sonapur, Distt: Saran.

34- Bisheshwar Singh, son of Shri Pujan Singh, r/o Village: Chamarhia, Post: Kala Bishunpura, Thana: Dautpur, Distt: Saran.

35- Rajendra Rai, son of Shri Late Ram Chandra Rai, r/o Village: Naini Pachhim Tola, Post: Naini, Thana: Musphil, Distt: Saran.

36- Ram Iswar Rai, son of Shri Lachan Rai, r/o Village: Aloni Banwari Din, Post: Garkha, Thana: Garkha, Distt: Saran.

37- Mahesh Rai, son of Shri Kamal Rai, r/o Village: Manpur, Post: Dighwara, Thana: Dariapur, Distt: Saran.

38- Dinesh Kumar Manjhi, son of Shri Rajendra Manjhi, r/o Village: Mala, P.O. Gurkul Mehhya, Thana: Mushphsil, Distt: Saran.

39- Baijwath Paswan, son of Sri "athura Paswan, r/o Village: Darihara Bhuwal, P.O. Dariyapur, Thana: Dariyapur, Distt: Saran.

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40- Tarkeshwar Prasad Singh, son of sri shiv
 Shankar Singh, p/o Village: Maithawalia, Post:
 Chanchowra, Thana: Musphsil, Distt: Saran.

41- Ashok Singh, son of sri Ram Nath Singh,
 p/o Village: Sirsha Bali, Post: Sarai bux(Garkha)
 Thana: Amnor Distt: Saran.

42- Ram Lakhan Prasad Yaday, son of sri Raghunath
 Rai, p/o Village : Maithawalia, Post: Chanchowra,
 Thana: Musphsil, Distt: Saran.

43- Awadhesh Kumar Singh, son of sri Baleshwar
 Singh, p/o Village: Naraon Tola, Post: Naraon,
 Thana: Autar Nagar Distt: Saran.

44- Ram Pratap Prasad, son of sri Deo Kushum
 Prasad, p/o village: Methawalia, P.O. Chan Chaora
 Thana: Musphsil, Distt: Saran (Chapra)

45- Dina Nath Pandey, son of Late Janardan Pandey,
 p/o Village: Naraon, P.O. Naraon, Thana: Autar
 Nagar, Distt: Saran (Chapra)

46- Birendra Singh, son of Sri Sabhapati Singh,
 p/o village Panch patia, Post Office: Deowaria,
 Thana: Autar Nagar, Distt: Saran (Chapra)

47- Akhilesh Pasawani, son of sri Varanasi Manjhi,
 p/o village: Arori, P.O. Garkha, Thana: Garkha,
 Distt: Saran (Chapra)

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48- Raj Bind Kumar Singh, son of sri Jagan Nath Singh, r/o Village: Panchpatia, P.O. Deowaria, Thana: Avatar Nagar, Distt: Saran (Chapra)

49- Gopal Prasad Singh, son of sri Sabhapati Singh, r/o Village: Panchpatia, P.O. Deowaria Thana: Avatar Nagar, Distt: Saran (Chapra)

50- Ram Narai Rai, son of Ramje Rai, r/o village Bishahi Bulaki Tola, p.o. Mastichak, Thana: Dariapur, Distt: Saran (Chapra)

51- Umesh Singh, son of Sri Kapil Deo Singh, r/o Village : Husen Bagra, P.O. Rampur ke tola, Via: Asara, Distt; Siwan.

.....Applicants

(By Adv: Sri G.D. Mukherjee)

Versus

1- The Union Of India: Through The General Manager, North Eastern Railway, Gorakhpur.

2- The Chief Engineer Gorakhpur Division, North Eastern Railway, Gorakhpur.

3- The Inspector Of works (East) North Eastern Railway, Gorakhpur.

4- The Inspector Of works (Workshop) North Eastern Railway, Gorakhpur.

.....Respondents

(By Adv: Sri A. Athalekar)

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O R D E R

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

In a joint application, 51 applicants seek the following remedies:

- i) Direction to the respondents to re-engage the applicants and also, regularise their service on the basis of position of their names registered in the Life Casual Labour Register.
- ii) Direction to respondents not to give employment to fresh casual, labourers- before taking the respondents back.

2- All the applicants worked for more than 240 days between 1975-85 in spells, as referred by work Inspector, Railways on different dates. They were disengaged on before 1980- excepting Sri Dina Nath Pandey March 1981, Avdesh Ku. Singh Oct. 1981, Tarkeshwar Prasad Singh Oct 1981, Anuragh Singh Oct 1981, Ishwar Rai March 1981, Ram Lakan Prasad Yadav Oct 1981, Mithilesh Kumar Oct 1981, Ram Janan Prasad Oct 1981, Raj Ballabh Natho Oct 1981, Surendra Mishra March 1981, Surendra Singh Oct 1981, Umesh Kumar Singh Oct. 1981. Their sanction for reengagement after disengagement was not renewed. Since then the respondents have re-engaged others on 28-5-93, 12-6-93 and 24-10-94 , but not them .

Bhagelu, Bhujawan, Sitaram, Naggu Sahthu, Kesari N. Pandey, and their junior were engaged in 1994

The applicants met the respondents in this connection but with no avail. Their verbal promises were not ~~honored~~ kept

3- The counsel for the applicant appeared last time on 14-5-99. Thereafter he repeatedly sought adjournment on personal grounds (19-8-99 and 11-11-99) He made no appearances on 9-3-2000 and 17-5-2000. Since this is a 1997 case and the counsel for the applicant has seemingly lost interest in the case, I proceed to decide the case on merits on the basis of records.

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4- As per the submissions of the applicants they worked in spells for more than 240 days prior to Oct. 1981 but were discharged. It is an admitted fact that they hold no casual labour card- on the alleged ground that these were not issued to them in that period. The respondents' counsel in their reply has totally denied, any record whatsoever in respect of these applicants. Their names also do not figure in the Live Casual Employees Register. The respondents' counsel has stated that in terms of Hon'ble CAT Allahabad's order in O.A. 73 of 1992, Baijnath and others vs. ^{vo} Live Casual Labour Register was prepared for ex-casual labours ^{who} ~~also~~ worked upto 1991 by issue of proper notification (dt. 25-11-93). The applicant's name in the first place do not appear there as claimed. Nor they responded to notfn dt. 25-11-93 and made any efforts to get their names entered there. Had they got any claim, they would have availed this opportunity. They have done neither. Their submission that their names appear in Live Casual Labourer Register is factually incorrect. The respondents have refuted the allegations of reengagements of others who did not fulfill the ^{criterian} ~~direction~~ for absorption as contained in decision in O.A. 358/89 or O.A. 61/92 after medical fitness ⁹³ ~~against~~ existing vacancies. Similarly no ex-casual labour belonging to the general category has also been reengaged. The names cited by the applicants were those of S/C, S/T. Candidates who were engaged on the basis of Hon'ble CAT'S order in O.A. 358/89 and 61/92. It was also been denied that K.N. Pandey is junior to them.

5- The petitioners were discharged ~~on~~ prior to Oct. 1981, but their present application was filed in 1997 after more than 16 years. Even their representations before the respondents is dt 10.5.97. Their verbal approach, cannot be taken as authentic.

6- In the situation and for facts and legal position enumerated above, the O.A. fails on merits. The O.A. is dismissed.

No Costs.

S. D. *S. B.*
A.M.

A.A./