

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 30th day of January, 2004.

Original Application No. 925 of 1997.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

Hon'ble Mr. D.R. Tiwari, Member- A.

Israr Ahmad alias Suleman

a/a 34 years, R/o Village-Mandauli,

Post- Bhulanpur, Distt. Varanasi.

.....Applicant

Counsel for the applicant :- Sri V.P. Srivastava

V E R S U S

1. Union of India through the General Manager,  
N.E. Rly., Gorakhpur.

2. The Divisional Railway Manager,  
N.E. Rly., Lahartara, Varanasi.

3. Divisional Safety Officer,  
N.E. Rly., Lahartara, Varanasi.

.....Respondents

Counsel for the respondents :- Sri Prashant Mathur

O R D E R

By Hon'ble Mr. Justice S.R. Singh, V.C.

The applicant herein seeks issuance of a direction to the respondents not to terminate his service arbitrarily and in colourable exercise of powers coupled with a direction to regularise him on the post of Safai Wala.

2. The applicant, <sup>it is</sup> is not disputed, was initially appointed and posted as a casual labour and vide order dated 03.01.1995 he was granted temporary status, <sup>(see)</sup> (see).

Copy of the Railway Board's letter dated 30.09.1996 (Annexure CA-1) clearly indicates that all the 56,000

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(approximate) casual labour on roll as on 30.04.1996 were to be regularised by 1997-98. The Railways were required to draw an action-plan to ensure that the absorption of all casual labour on roll was completed by December, 1997 so that a position of no casual labour on roll is achieved by that date. The said letter dated 30.09.1996 further indicates that for complete absorption of casual labours following norms as indicated in para 11 of the letter were laid-down :-

"(ii) All the vacancies in the lowest grade in Group 'D' including the resultant vacancies due to promotion within Group 'D' and from Group 'D' to Group 'C' upto Dec/97 in each department should be assessed and casual labour available in the department equal to the number of Group 'D' vacancies thus worked out, should be screened for regularisation.

(iii) After the screening of casual labour against the vacancies of the department as above has been completed, the left over unscreened casual labour of the department should be screened for regularisation in other departments against vacancies in the lowest grade in Group 'D' including the resultant vacancies due to promotion within Group 'D' and from Group 'D' to Group 'C' upto Dec/97."

3. Sri P. Mathur, learned counsel for the respondents has submitted that the name of the applicant has already been entered in the Live Casual Labour Register at Sl. 5 and that his candidature for regularisation/absorption <sup>screening</sup> will be considered by the duly nominated/committee on the availability of the vacancy. To the same effect an averment is made in para 17 of counter reply. However, having regard to the annexure CA- 1, we are of the view that the applicant who was on the roll as on 30.04.1996 ought to have been regularised by December, 1997 in the lowest group of Group 'D' in the concerned department or

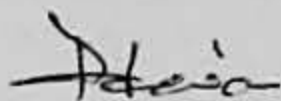
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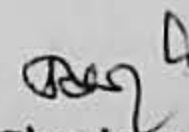
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in other department against the vacancies in lowest grade of Group 'D' including the resultant vacancy due to promotion to Group 'C' from Group 'D'. No reasonable justification has been given for not regularising the applicant within the stipulated period i.e. December, 1997. We <sup>are</sup> therefore, of the view that the O.A deserves to be allowed.

4. The O.A succeeds and is allowed. The respondents are directed to regularise the applicant to a Group 'D' post either in the concerned department or in any other department within a period of three months from the date of receipt a copy of this order. No costs.



Member- A.



Vice-Chairman.

/Anand/