

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

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Allahabad : Dated this 28th day of October, 1999

Original Application No. 437 of 1998

District : Gorakhpur

CORAM :-

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

Hon'ble Mr. Rafiq Uddin, J.M.

Veer Chandra Rai,
S/o Sri Dev Kumar Rai,
R/o House No. 190/F, Baulia Rly Colony,
Gorakhpur.

(Sri Suneel Rai, Advocate)

..... Applicant

Versus

1. Union of India
Through Chairman Railway Board,
New Delhi.
2. General Manager, North Eastern Railway,
Gorakhpur.
3. Chief Commercial Manager,
North Eastern Railway,
Gorakhpur.

(Sri AV Srivastava, Advocate)

... Respondents

ORDER (Oral)

By Hon'ble Mr. S. Dayal, A.M.

This OA has been filed with the prayer that the respondents be directed to re-engage the applicants as volunteer Ticket Checking Staff as per extant rules and also be directed to take the applicant on duty, pay the back wages from the date when he filed his application till date and pay the costs of the application.

2. The facts as given by the applicant are that the applicant was utilised as volunteer to assist in ticket checking activities for 129 days and a certificate was issued by the General Manager on 5-7-1985 to this effect.

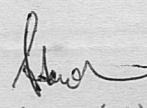
It is contended that several persons who were utilised

as volunteer ticket checking staff in other divisions as well as in Gorakhpur division had been re-engaged in 1996 and the names of one Sri Jalaj Kumar Singh has been quoted in this connection as an instance. The applicant has been making representations to the respondents but they have not paid any heed to his representations.

3. The first issue which arises in this case is the question of limitation. The applicant admits that he worked for 129 days between August, 1983 and February, 1984. The status of the applicant was that of the casual labour as has been decided in the case Samir Kumar Mukherjee Vs UOI & Ors reported in ATR, 1986(2)CAT. 7 and the Railways having a scheme of maintaining Live Register of casual labours and engaging them as and when vacancies arise in which they were given work.

4. In the instant case learned counsel for the applicant has produced a copy of the judgement of the Apex Court in UOI & Ors Vs. Belal Ahmad & Ors. It was decided on July, 27, 1995 in SLP Nos. 17971-71A alongwith 10 other SLPs. The Apex Court had directed the respondents in the case of a volunteer to help Ticket Checking Staff that the respondents should consider regularisation on a Group 'D' post as and when vacancies arose and that the volunteers should be allowed to work as volunteers on payment of out of pocket allowances. The applicant seeks benefit in terms of the judgement of the Apex Court. The respondents are directed to consider the case of the applicant in terms of the judgement within a period of three months from the date of communication of this order. There shall be no order as to costs.


Member (J)


Member (A)

Dube/