

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 495 of 1998

Allahabad this the 02nd day of July, 2001

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

Anand Prakash Tiwari, Son of Sri Hari Kishor Tiwari,
R/o Village Rasoolpur, Post Ram Nagar Bhojpur, District
Pratapgarh.

Applicant

By Advocate Shri H.P. Pandey

Versus

1. Union of India through General Manager, Northern Central Railway, Allahabad.
2. Divisional Rail Manager, Allahabad Division, Northern Railway, Allahabad.
3. Divisional Operating Manager, Allahabad Division, Northern Railway, Allahabad.
4. Divisional Personnel Officer, Allahabad Division, Northern Railway, Allahabad.

Respondents

By Advocate Shri A.K. Gaur.

O_R_D_E_R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

The applicant has come up seeking relief to the effect that the respondents be directed to send the name of the applicant for absorption in pursuance of Railway Board's circular dated 03.9.96 and also to re-engage the applicant as the juniors to the applicant having less working days, have already been re-engaged.

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2. As per applicant's case he worked as casual labour in the year 1977-78 for more than 162 days and thereby acquired the status of temporary employee in the railways. He also worked during 1988-89 in Kumbh Mela. He received a letter dated 09.4.1996 by D.R.M. Northern Railway, in which he has been communicated that his name has been entered in Live Casual Labour Register at serial number 11 with computer serial number 4709. For not being re-engaged for sufficient long time, applicant filed O.A. before the Tribunal, which was decided on 23.3.1995 with the direction that the applicant be considered for re-engagement in preference to the casual labours whose names occurred below the serial number of the applicant in the Live Casual Labour Register. As per applicant's claim, juniors to him having lesser number of working days, were engaged ignoring the claim of the applicant therefore, he knocked at contempt side, which was decided on 13.9.96 and the respondents were discharged on the ground that the applicant could not substantiate that juniors to him were re-engaged. As subsequent development, the applicant came across a news item according to which the Railway Minister made a statement in the Parliament, that 56,000 casual labours will be re-engaged and their services will be regularised and in pursuance of this statement, Railway Board issued circular dated 03.09.96. The applicant made a representation in the light of this circular with the request that his name be sent for screening to regularise his services, but the authorities did not recommend his name and being aggrieved of this position, he has come up before the Tribunal.

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3. The respondents have contested the case filed the counter-reply with specific pleading that no junior person to the applicant has at all been engaged by the respondents and it is wrong to say that juniors to the applicant have been given appointment ignoring his claim.

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

5.8 During the course of arguments, Shri H.P. Pandey, learned counsel for the applicant presented a copy of letter dated 09.10.1998, same be kept on record.

6. It is quite evident from perusal of annexure A-1 dated 09.04.96 from D.R.M. / Northern Railway Allahabad that the name of the applicant has been entered at serial no.11 of ^{live} Casual Labour Register of Chief Controller/Northern Railway, Allahabad with corresponding computer serial no.4709 and it has been clearly mentioned therein that whenever screening for group 'D' category post for Traffic and Commercial department is carried out in future, the applicant would be considered along-with other eligible candidates from the Casual Labour Register.

7. There is nothing specific from the side of the applicant that after issue of above letter dated 09.4.96(annexure A-2) any screening has been done for regularisation against regular group 'D'

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vacancies and thereby there is nothing to show that there is any development after the Tribunal's decision in the earlier filed O.A. or the consequential contempt proceedings to give rise to any cause of action.

8. So far as Railway Board's circular dated 03.09.96 is concerned, it relates to those who were on roll by December, 1997, which is not the position with the applicant.

9. For the above, the relief sought for cannot be granted. The O.A. is dismissed accordingly. No order as to costs. The applicant may ~~copy~~ come up again when a fresh cause of action arises.

S. R. & A. M. J.
Member (J)

|M.M. |