CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD   BENCH
ALLAHABAD

Original Application No. 895 of 1998

Allahabad this the 12th day of   March, 2001

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

Jaiveer Singh, Son of Sri Ziledar Singh, resident
of Nagla Mewa Post Office Kulesher, District
Firozabad.

By   Advocates Shri Satish Dwivedi
            Shri Anil Dwivedi.

Versus

1.   Union of India through the General Manager,
     Northern Railway, Baroda House, New Delhi.

2.   The Divisional Railway Manager, Northerna
     Railway, Allahabad.

3.   The Assistant Engineer, Northern Railway,
     Tundla.

4.   The Peramanent Way Inspector(II), Northern
     Railway, Tundla.

                                    Respondents

By Advocate Shri G.P. Agrawal

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
include the name of the applicant in the Live Casual
Labour Register and also to direct the respondents
to re-engage/appoint/absorb him against the vacancy
of Group 'D' category according to rule and medical
category for which he is found fit.

The respondents have contested the case and
filed the counter-reply.

Briefly stated the facts of the case are that
the applicant was engaged in Railway establishment in
the year 1972 as Casual Worker under P.W.I.(II) Tundla.
As per applicant's case, in the years 1984 he was sent for
medical examination for the purpose of granting C.C.PC.
scale staff. The applicant after continuous working
of 120/180 days acquired/status of temporary railway servant
and become entitled to all the rights and privileges
available to the temporary railway servant, though this
fact has been disputed by the respondents except the
fact that the applicant was brought on C.P.C. scale.
It was on 18.9.1995 when the applicant was working as
Chowkidar at Mitawali railway station he was dragged
and shot at by R.P.F. Rakshak, in which he was sustained
injurys and remained hospitalised from 18.9.1995 to 12.7.86
After being discharged from hospital, the applicant
approached the respondents on 13.3.1986 to allow him
to join duty but, was not allowed. The applicant has
a case that when four persons much junior to him in
service and being only fresh candidate were given
appointment by the respondents and thereby his right
stands infringed for which he has moved this O.A.
The respondents have explained this position in para-11

of their C.A. with the mention that all these referred four persons were engaged under the instructions of General Manager as casual labour under special circumstances who were engaged as Sub Electrical Khalasi under the Electrical Unit, which was not the unit of the applicant.

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

5.   Shri G.P. Agrawal, learned counsel for the respondents has referred para-1 of the C.A. which contains specific mention that the name of the applicant has already been recorded in the Live Casual Labour Register at serial no.67 and his divisional level seniority has been fixed at serial no. 306.

6.   Regarding application of the applicant dated 13.8.86 to allow him to join, it has been mentioned in the C.A. that since he was medically decategorised for all jobs, therefore, he could not be provided with any job.

7.   Keeping in view the above facts and circum- stances, it is found that the relief sought by the applicant regarding inclusion of his name in the Live Casual Labour Register has already been granted and there is specific mention by the respondents that whenever turn comes, the applicant will be provided with job as per his entitlement.

8.   For the above, the O.A. is decided with the direction that the respondents shall take care

that the claim of the applicant is not denied when it accrues to him as per rules and his entitlement in this regard. It is also provided that regarding medical decategorisation, the applicant be got examined by Medical Board to ascertain his medical decategorisation within 3 months from the date of communication of this order. No order as to costs.

Member (J)

/M.M./