

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD

Original Application No. 166 of 2001.

Allahabad this the 23rd day of December 2004.

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

Vishnu Chandra
S/o Shri Baljeet
R/o Village Badheoli, Post Piper Gaon,
District Farrukhabad.

.....Applicant.

(By Advocate : Sri L.M. Singh)

Versus.

1. Union of India
through General Manager,
North Eastern Railway,
Gorakhpur.
2. The Divisional Railway Manager,
N.E. Railway, Izzatnagar.
3. The Divisional Railway Manager (Engineer)
N.E. Railway, Izzatnagar.
4. The Assistant Engineer,
N.E. Railway, Mathura Cantt.

.....Respondents.

(By Advocate : Sri K.P. Singh)

O_R_D_E_R

Heard Sri L.M. Singh learned counsel for the applicant,
Sri K.P. Singh learned counsel for the respondents and
perused the records.

2. The applicant, it is alleged, has worked as
Casual Labour for 470 days. It is further alleged that his
name was entered in the Life Casual Register but he has not
been re-engaged as Casual Labour while his juniors were
re-engaged. The instant O.A. has, therefore, been
instituted for issuance of a direction to the respondents
to appoint him as class IV employee on the basis of

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seniority as maintained in Live Casual Labour Register.

3. The case of the respondents is that the applicant had worked for 370 days. It is not disputed that the name of the applicant finds place in the Live Casual Labour Register. In fact the applicant was one of the applicants in O.A. No. 2849/97, Attar Singh and others Vs. General Manager and others instituted before the Principal Bench of the Tribunal for issuance of a direction to enter their names in the Live Casual Labour Register. The Principal Bench found that out of six applicants in the O.A., the name of three of them including the applicant found place in the Live Casual Labour Register and accordingly issued a direction to the respondents to consider the claim of the remaining three applicants for placement in the Live Casual Labour Register. The fact situation of the case, therefore, established that the applicant's name ~~found~~ finds place in the Live Casual Labour Register and therefore, he is entitled to be considered for re-engagement according to his seniority and as per Rules. Therefore, the O.A. is disposed of with direction to the Deputy Divisional Railway Manager (Engineer), N.E. Railway, Izzatnagar to consider the applicant's claim for re-engagement as per Rules having regard to his seniority list in the Live Casual Labour Register. It is made clear that in case juniors to the applicant have already been appointed the applicant shall be offered appointment forthwith.

4. ~~The O.A. is disposed of accordingly.~~ In case juniors have not already been appointed, the applicant

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shall ^{be} consider as per his seniority position and as per
the Rules when L ^{is} vacancy ^{is} ~~are~~ available.

No costs.

DRG
Vice-Chairman.

Manish/-