

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 29th day of March 2006.

Original Application No. ^{1135.} 1335 of 2001.

Hon'ble Mr. K.B.S. Rajan, Member (J)

Hamid Ali S/o Sri Zafar Ali,
R/o Village Pachdaura, Dohariya,
P.O. Bhojipura,
Distt: Bareilly (UP).

.....Applicant

By Adv: Sri R.C. Pathak

V E R S U S

1. Union of India through the General Manager,
N.E. Railway,
GORAKHPUR.
2. Divisional Railway Manager,
N.E. Railway, Izatnagar,
BAREILLY (up).
3. Assistant Divisional Engineer (LA),
N.E. Railway, Izatnagar,
BAREILLY (up).
4. Assistant Divisional Engineer,
N.E. Railway, Kashipur,
District Udham Singh Nagar (Uttranchal).
5. Section Engineer (Works),
N.E. Railway, Bhojipura,
Bareilly (UP).

.....Respondents

By Adv: Sri K.P. Singh

ORDER

The applicant a casual labour was engaged from 1981 to 1983 in all, according to him, ~~he~~ had worked for 367 days. His attempts to get his services regularized (legal notice dated 28.01.1985) did not yield any fruitful result. Thereafter, also he sent communication to the respondents enclosing caste

certificate and requesting regularization. After his attempt through the Hon'ble Minister of Petroleum, the respondents could no doubt verify the number of days of service rendered by the applicant but rejected the claim of the applicant as being time barred, vide order dated 24.07.2001 (impugned).

2. Respondents have contested the OA. They have denied submission of caste certificate etc. According to them, for regularization of casual laborers engaged during early eighties, time limit upto 31.03.¹⁹⁸⁷~~2007~~ was stipulated for furnishing necessary details to the concerned unit, which would, after due verification, forward the same to the higher authorities for further action for regularization. In the instant case, though the applicant had worked for 367 days, there is no recommendation for his appointment by the competent authority (Para 20 of the CA refers). The respondents have relied upon the policy circulated under Railway Board's letter dated 3.2.1987 (Annexure 2 to the CA).

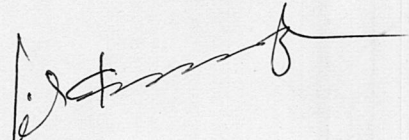
3. Arguments were heard and documents perused. According to the applicant the policy vide Railway Board letter dated 2.3.1987 applies only for project casual labour and since the applicant was a casual labour in the open line, his case is covered by the Railway's Board circular dated 4.3.1987. Incidentally, in both, the time limit for representation and documentary proof of service was only upto 31.03.1987.

4. The point for consideration is as to who was at fault in not recommending the case of the applicant though admittedly the applicant had worked for 367 days, while 120 days of service is sufficient for purpose of regularization. ^WThrough the respondents have contended that due notice to all concerned by way of publicity was given and many had been benefited by the same, the applicant had not utilized the same, ^{Per-contra} the counsel for the applicant submits that no such due communication was made available and the applicant alone cannot be blamed in this regard. Further, according to the applicant, even as on 12.6.2001 the respondents had considered the case of the applicant with regard to the number of days of engagement. Again, the process of regularization is an on going and continuous process and as such in respect of those cases wherein due to in-advertance the recommendations of the competent authority were not made before the stipulated period, the process ^{may} _{now} be undertaken and action for regularization taken accordingly.

5. There is substance in the submission of the counsel for the applicant. Though on whatsoever reason the particulars of the applicant could not be verified and confirmed by the competent authority in accordance with the policy dated 4.3.1987, as per the latest order the Railway accommodate such casual labour with certain age relaxation (45 for SC candidates), ^{and} the applicant in this OA deserves consideration for such regularization. As the applicant has approached the Tribunal as early as in 2001, if he is within 45 years as of

October 2001, his case should be considered for screening. For, the applicant alone cannot blame for his non furnishing of information at the material point of time. Further, some Concrete action had already be taken by the respondents in 2001 vide annexure A2 (letter dated 12.6.2001).

6. In view of the above the OA is disposed of with the direction to the respondents to enter the name of the applicant in the Live Casual Labour Register, subject to production by the applicant of proof of his caste and the seniority of the applicant shall be reckoned with 16.08.2001 (the date of filing of this OA). In his turn the applicant be screened and further action for temporary status or regularization as per law be taken. Needless to mention that in the event of any need for fresh hands of causal labour the applicant shall be given preference for engagement as casual labour independent~~s~~ of his screening in his turn. No cost.



Member (J)

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