

Reserved

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD**

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Original Application No. 588 of 2005

Wednesday, this the 14<sup>th</sup> day of October, 2009

Hon'ble Mr. Ashok S. Karamadi, Member (J)

Laloo Prasad S/o Ghasita, R/o - Village - Badagaon, Post:  
Deogaon, Thana & Tehsil - Hamirpur, District: Hamirpur.

Applicant

By Advocate: Sri Satish Mandhyan

Vs.

1. Union of India through General Manager, North Central Railway, Allahabad.
2. Divisional Railway Manager, North Central Railway, Jhansi.
3. Sr. Divisional Engineer, North Central Railway, Jhansi.

Respondents

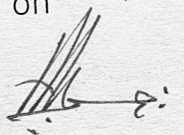
By Advocate: Sri R.C. Joshi

**ORDER**

By Ashok S. Karamadi, Member (J)

This case is filed seeking direction to the respondents to regularize the services of the applicant as casual labour in the Engineering Branch according to his seniority strictly as per Live Casual Labour Register.

2. The brief facts of the case are that the applicant is a backward category candidate and has been employed as a Gangman on casual basis from time to time, and has completed more than 120 days. He was initially recruited as Gangman on





casual basis from 20.07.1982, and he continued up to 19.10.1982 under PWI, Karvi. Thereafter he was re-engaged on 19.07.1983 and continued as such on the same post on the same basis till 18.12.1983 under Section Engineer (P. Way), Barua, Sumerpur. The name of the applicant finds place in the Live Casual Labour Register maintained at the respective places, in spite of that the respondents have not considered him for any job after 1986, the action of the respondents is discriminatory. The respondent No. 2 issued general letter dated 30.08.2001 required to be sent by erstwhile casual labours so as to make them able to fill up those forms who shall be called for Screening Committee so constituted for regularization of Group 'D' employees including the Gangman and Khalasi. The applicant has not received the letter dated 30.08.2001. Even though the respondents taken continuous process of engaging the casual labours on permanent basis but the pick and choose policy placed dominant rather than actual placement in the Live Casual Labour Register, if the case of the applicant was considered properly by the respondents, in that event the applicant has been regularized long back. It is alleged that the respondents considered number of juniors to the applicant but he was not considered and, therefore, seeking direction to the respondents, as the name of applicant appears in the Live Casual Labour Register, due to in action on the part of the respondents in not accommodating the applicant, even though he is eligible for regularization hence, this O.A. is filed for direction to the respondents.





3. On notice, the respondents have filed the Counter Affidavit and stated that large number of ex casual labours are in queue for their regularization in group 'D' and as such the Railway Board introduced a policy for their regularization under some instructions and eligibility criteria, the eligibility criteria for regularization of those casual labourers who were not on roll, but their names were in the Casual Labour Live Register/ Supplementary Casual Labour Register, the Railway Board drawn a policy for regularization of such casual labourers and circulated letter dated 28.02.2001 and subsequently clarified by letter dated 20.09.2001. In view of the Circulars, the ex casual labours who have minimum 120 total working days as casual labourers and his upper age limit of 40 years for general, 43 years for OBC and 45 years age for SC/ST candidates are eligible for screening for the regularization in group 'D' subject to their suitability. The applicant also applied under the above schemes for regularization and send his bio data through his department-in-charge on due date and accordingly the bio data and others papers were considered by the Screening Committee, and it was found that the applicant is not covered under the eligibility criteria laid down by the Railway Board as he had completed only 105 working days which mentioned by the applicant in his application, and the same is verified from his own casual labour card No. 263181 wherein the entry of working days shown since 28.02.1982 to 18.07.1982, and from 20.07.1982 to 15.10.1982 as such it is clear that the applicant had not completed required minimum 120 days as per instruction of the Railway Board circular dated 20.09.2001, and prayed for dismissal of the O.A.

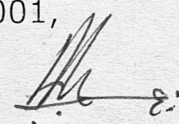




4. The applicant has filed the Rejoinder Affidavit denying the contentions of the respondents and further stated that he has worked more than 120 days, and further stated that the respondents have taken into consideration only casual labour card while working at Chitrakoot Dham, and totally by passing the certificate issued by the competent authority at Karvi, the screening Committee has failed to take into account the total number of working days of the applicant in both the places. The respondents have filed the Supplementary Counter Affidavit reiterating their same contentions, and denying the documents and information furnished by the applicant by producing copy of the LHTI register of page 95 as annexure SCA-3, and sought for dismissal of the O.A.

5. Heard the learned counsel for the applicant and the respondents. Perused the pleadings and materials available on record.

6. It is a case of the applicant that he has worked more than 120 days, in support of his contention he has produced annexure A-1, which shows that he has worked 154 days, and in view of the documents produced by the respondents particularly the casual labour card bearing No. 263181, as annexure CR-3, and record of Service as Casual Labour (annexure CR-4). On perusal of these two documents and the information and contentions detailed therein and also the annexure A-1, it is prima facie clear that the applicant has completed 120 working days prior to 20.09.2001,





mentioning of '105' days at annexure CR-3 appears to be a not correct entry, having regard to the fact that applicant has worked at two different places and details are also furnished, the respondents have stated that the applicant has completed only 105 days, this act of the respondents' statement cannot be accepted in view of the details and information contained as annexure CR-3. As regards annexure A-1, the respondents disputing the same, have stated that the name of the applicant is mentioned at page '96' of the LHT Register but not as stated in annexure A-1 at page 95, even though the respondents have produced the extract of page '95', have failed to produce the document where the name of the applicant found place at page '96', for the reasons known to the respondents., that being so in view of the aforementioned facts and circumstances and materials on record, it is clear that the respondents' authority have not considered the case of the applicant by application of mind in a just and proper manner, thereby denied the claim of the applicant for regularization mechanically without verifying the details. Therefore, it is just and proper in the interest of justice to direct the respondents to reconsider the matter of the applicant on the basis of materials available on record in a proper perspective. It appears that the respondents have not considered the case of the applicant by application of mind to all the relevant materials and the information, having regard to the same it requires reconsideration of the case of the applicant by the respondents.

7. In view of the above discussions, the O.A. is allowed. The respondents are directed to reconsider the case of the applicant

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and pass speaking order in accordance with law and if applicant is found fit for regularization, the necessary order shall be passed within a period of three months from the date of receipt of a copy of this order.



[Ashok S. Karamadi]  
Member 'J'

/M.M/