

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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Registration T.A. No. 1425 of 1986

(C.A.No., 382 of 1984)

Mangroo Applicant.

Versus

Union of India
and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

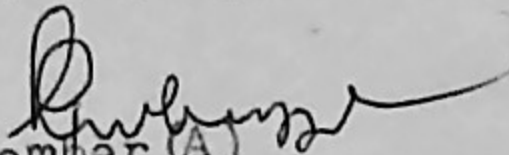
The applicant filed a Civil Appeal in the court of District Judge, Allahabad which by operation of law has been transferred to the Tribunal under Sec.29 of the Administrative Tribunals Act, 1985. In the suit, the applicant has prayed that the defendants be restrained by means of the permanent injunction from interfering with the functioning of the plaintiff as Mason in the Allahabad Division of the Northern Railway, and the order of discharge is illegal, inoperative and without jurisdiction. The suit was dismissed by the trial court and after that the applicant filed an appeal which by operation of law has been transferred to this Tribunal. In the appeal, the applicant has come forward with a case that the applicant was appointed as Mason on 10.1.1969, thus, he was a class-IV under employee of the Railway Administration and para-1004 of the Railway Establishment Manual, he has attained a particular status and his services can not be terminated, and the termination so made is against the Art. 311 of the Constitution of India. From the pleadings, it appears that the applicant was appointed as a Casual Labour, as such, the question of his lien over the post does not arise, but from the

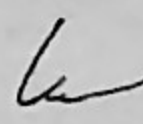
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~~from the~~ record also it appears that the applicant has worked for more than 399 days with broken period 28-9-1977 to 5.9.1979 i.e. more than 360 days. When the applicant has worked more than 120 days, he has attained the temporary status. Obviously, if the vacancies are available and he is in continuous service, he could have also claimed for regularisation and absorption in case, he would have also screened. According to the applicant he was thrown from service in this manner while the juniors were retained, and no finding on this point has been recorded by the court of Munsif. In our view, if the applicant has worked more than 120 days continuously particularly in a year, his services could not have been terminated. This matter of Casual Labour has already been came up for consideration by the Hon'ble court in Indrapal Yadav's case and in that case, the Supreme Court has directed the Railway Administration to dropput a particular scheme and in pursuance thereof, the Railway Administration has framed a new scheme and in the new scheme, certain categories have been given benefit. The applicant's services having been terminated before the year 1981 and also within such a particular category, therefore, his case was directed to be reviewed and reconsidered by the Railway Administration. We do not want to open the matter of age of the applicant here. The appeal is allowed to the extent that the respondents are directed reconsider the case of the applicant for reemployment or screening as the case may be in accordance with the scheme which has been framed by the Railway Administration and in pursuance of the decision given by the Supreme Court in Indrapal Yadav's case. Let this consideration be done within a period

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3 months from the date of communication of this judgment.
The appeal is allowed and the judgment of the court of
Munsif is set aside. No order as to costs.


Member (A)


Vice-Chairman

Dated: 12.8.1992

(n.u.)