

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Registration O.A.No. 855 of 1987

O.P.Gupta & 5 others

Applicants

Vs.

Union of India & Others....

Respondents

Hon'ble Mr.Justice U.C.Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, Member (A)

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

The applicants were engaged as Casual Labour prior to August, 1978 and worked against various sanctions and were discharged on the expiry of the sanction. The applicants have approached the Tribunal against their exploitation by the Railway Administration who has taken work from them and have thrown out them unmercifully, praying that the result of screening held on 12.6.85 may be declared in which they were screened for engagement against regular posts, and respondent No.2 may also be directed to implement the Railway Board's order regarding re-engagement of casual labour engaged prior to August, 1978 and engage the applicants in preference over their juniors. According to the applicants after the enquiry of the earlier sanctions they were entitled to get re-engagement against new sanctions. As per policy decision of the Railway Board, the applicants were called through notice Board to appear before the screening committee on 12.6.85 for regular appointment. The applicants did appear before the screening committee, but the result of this screening has not been declared, and even the instructions contained in letter No.220-E/190-XIV(EIV) dated 24.6.86 regarding pre-August, 1978 casual labour was also not given effective.

2. The respondents have opposed the application and have stated that normally these casual labours who are dis-engaged for want of sanction could not further be kept in employment or re-engagement until they fulfil the entire conditions. A screening committee was constituted for the consideration of

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casual labours of Engineering Department as casual labours/substitute in other Departments i.e. in Mechanical Department as there was a ban on the appointment of casual labours during this period. It has been stated that due to surrender of posts in the said Department where these casual labours were likely to be re-engaged, could not be engaged even after appearing before the screening committee and the further sitting of the screening committee were dropped. A usual plea that the applicants left the job at his own accord and did not turn up for re-engagement has also been taken in this case. But this plea is to be rejected because the applicants were running for a job and it cannot be accepted that they left the job themselves and were running here and there and even knocking the door of this Tribunal for the said purpose. In the meantime certain schemes are framed and the applicants survives for several years and there appears to be no reason why they should not have been given appointment as casual labour. Accordingly the respondents are directed to prepare a register and in the register include the names of the applicants in accordance with their seniority and give preference and priority to them in the matter of appointment as casual labour. Let it be done within a period of 3 months from the date of communication of this order. However, it is also being made clear from the decision of Supreme Court in Indrapal Yadava's case, in which scheme which has been framed by the Railway Administration the applicants have got a better claim/they shall not be denied their claim and rights and this matter will also be decided by the Railway Administration within a period of 3 months as stated above. No order as to costs.

Member (A)
Member (A)

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Vice-Chairman.

17th January, 1992, Alld.

(sph)