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Court No. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Registration (O.A.) No. 266 of 1988.

Lakhpatt Singh	Applicant.
Versus		
Union of India & others	Respondents.

Hon'ble Justice K. Nath, V.C.
Hon'ble K.J. Raman, A.M.

(By Hon. K. Nath, V.C.)

This ~~is~~ ~~an~~ application under Section 19 of the Administrative Tribunals Act, 1985 is for issue of a direction to the respondents to take the applicant on duty and to pay his arrears of salary, etc. from 17.9.1986.

2. Counter and rejoinder affidavits have been exchanged in this case and we have heard the learned counsel for both the parties.

3. It appears that the applicant was initially engaged on 16.6.1978 as a Casual Labour under the Loco Foreman at Moradabad where he had worked only for 60 days (vide para 6(1) of the application). The applicant claims to have been re-engaged from 24.12.85 upto 12.5.86, totalling 129 working days (vide para 6(4) of the application). He appears to have been lastly engaged on 1.8.86 upto 18.9.1986, i.e. for 47 days, though wrongly mentioned as 57 days, (vide para 6(4) of the application). He has not been working since thereafter.

4. The applicant says that he had made an application for re-engagement on 23.10.86, but having not been engaged, he filed this application on 15.2.88.

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5. The case of the respondents is that the applicant had never worked continuously for 120 days. In para 4 of the counter affidavit it is stated that the applicant had worked only for 83 days. In para 9, at page no.2 of the counter affidavit, though wrongly numbered as para 4, it is stated that the applicant had worked only for 83 days from 15.12.1986 to 14.8.1986, which is obviously erroneous; the learned counsel for the respondents not able to tell what the correct dates were.

6. It is stated in para 6(3) of the application that a seniority list dated 14.12.1986 was issued in which the applicant was placed at Sl.No.167 with 141 working days. The reply in para 8 of the counter affidavit is that the list was drawn but after verification of the casual labour cards of the various casual labourer it was found that the casual labour card of the applicant was false. It was said that before the applicant ^{could} be duly informed of the false document of casual labour, the applicant disappeared and did not return to duty.

7. The seniority list or the casual labour card are not before us. The learned counsel for the respondents says that the applicant having been disengaged as early as 18.9.1986, this application filed on 15.12.1988 is barred by limitation. At the same time, the respondents' case is that he was not disengaged by the Department but the applicant disappeared on his own accord.

8. We think that if the applicant's casual labour card was found to be forged, a proper enquiry in the matter ought to have been made. Having regard to the particular facts of the case, we are of the opinion that the applicant may be re-engaged without back wages and it will be open to the respondents to re-examine the authenticity of the casual labour card.

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9. The application is disposed of with the direction that the respondents will permit the applicant to work on the applicant's reporting within one month from the date of receipt of a certified copy of this judgment. However, the respondents will be at liberty to hold an enquiry into the casual labour card of the applicant. The applicant shall not be paid any back wages. There will be no order as to costs.

[Signature]

MEMBER (A).

[Signature]

VICE-CHAIRMAN.

Dated: April 17, 1990.

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