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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

O.A. No. 717 of 1988.

(6)

Baijnath ..... Applicant.

Versus

Union of India & others ..... Respondents.

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

Hon'ble Mr. K. Obayya, A.M.

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

The applicant has filed this application mainly for getting his name included as Casual Waterman in the list of summer session of 1988 but his name was not included in the panel and that is why he has approached this tribunal. According to the applicant, he has worked from 1972 to 1978 with artificial breaks. Although according to the respondents, he has worked only for 16 days from 16.11.76 to 31.11.76 and left the job at his own accord and thus there was no occasion of giving any notice of retrenchment or retrenchment compensation. The applicant, who is a member of scheduled caste community, applied for the post of Casual Waterman on 25.3.88 as he had earlier worked as such. According to the applicant, he was considered to be eligible against the vacancies of SC/ST (25% of the total vacancies) of AWS but his request for appointment as Casual Waterman was turned down by the order of Sr.DCS/Allahabad dated 28.4.88 and reserved vacancies of SC/ST Quota were filled up by the general candidates in taking fresh faces without approval of the competent authority.

2. The respondents have stated that the name of the applicant on the Live Causal Labour Register is at S.No. 257 and accordingly he will be called and absorbed on his turn only. It has further been stated that the respondent no. 2 released the list

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of casual waterman for the summer session of 1988 and the names of the persons whose applications were found in accordance with the instructions, were included. As adequate number of scheduled caste/ scheduled tribe candidates were not available fulfilling all the formalities, hence general candidates were engaged because providing water facilities to the passengers in summer cannot be postponed for longer time. The applicant could not be provided with a job in the administration as he had himself left the job at his own accord and had never applied for the same. Moreover, the application should have been given in a particular proforma. There is a specific clause in the proforma that the said application should be properly certified and duly forwarded by any Sr, Subordinate and further the applicants have to give their caste certificate from the competent authority for their legitimate claim against the reserve quota but the applicant failed to comply with these conditions.

3. So far as leaving of job voluntarily is concerned, it is a stereo-type defence and a person who runs from pillar to post for service, cannot be expected to leave the job voluntarily. It may be that the applicant, who is a member of scheduled caste community, was engaged as Casual Waterman earlier and that is why he did not fill-in proforma. The respondents should not have staggged everything on the spot but they should have considered the prayer of the applicant. His name was already in the Live Register and he worked in past from 1972 to 1978 and as such there appears no reason as to why the name of the applicant will not be included in the list. Now it is expected that the justice would be done and the applicant's case

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for appointment as casual waterman for the next year will be considered. So far as Live Register is concerned, that will be taken into account for absorbing and regularising his service when his turn comes. With these observations, the application stands disposed of. No order as to costs.

*R. J. Murphy*  
MEMBER (A)

*Lee*  
VICE CHAIRMAN.

DATED: JULY 8, 1992

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