

(Q) (8)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

Registration O.A. No. 857 of 1988

Pramod Kumar Applicants.

Versus

Union of India
and others Respondents.

Connected With

Registration O.A. No. 861 of 1988

Shusheel Kumar Applicant.

Versus

Union of India
and others Respondents.

...

Hon. Mr. K. Obayya, Member(A)
Hon. Mr. A.K. Sinha, Member(J)

(By Hon. Mr. K. Obayya, Member(A))

These two cases raise similar question of facts and law and the reliefs sought by the applicants are same, as such, the cases were heard together at the request of the counsel of the parties and are being disposed of by a common judgment.

2. The applicant in O.A. No. 857 of 1988 was engaged as Casual Labour during the period 16.5.1978 to 14.10.1986 under the Northern Railway while the applicant in O.A. No. 861 of 1988 was also similarly engaged as Casual Labour during the period 15.5.1977 to 14.8.1988. In both the cases, the engagement was in broken spells. According to the applicants, they having worked for more than 120 days, they had acquired temporary status and, as such, they were entitled for screening and regularisation. It is

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also their contention that in the seniority list of casual labour, ⁱⁿ ~~at~~ the units in which they worked, their names were mentioned and in the casual labour register also their names were found. Many juniors to the applicants have been screened and regularised, but in their cases, the respondents have denied them the service benefit that is why, they have approached the Tribunal for issuance of direction to the respondents to declare them as temporary Khalasis and to employ them at any station of Northern Railway in Moradabad Division.

3. The respondents have refuted the claims of the applicants ⁱⁿ and/para. 7 of their reply, it is stated that the applicants were never engaged and their appointments, if any, were through fake labour cards, as such, the ~~advantage~~ secured by unlawful means would not ~~be~~ ^{be} entitled them for any service benefits like ~~reengagement~~ ^{reengagement}, regularisation etc. Similar matter came up before a Bench consisting by one of us as a Member in O.A. No. 859 of 1988 Virendra Kumar Vs. Union of India and others. As the controversy is about the forged labour cards, the direction was given to the respondents to enquire into the matter and take further action ~~was~~ was warranted. The direction in ~~the~~ ^{these} cases is in following terms;

"Accordingly, the respondents are directed to hold an enquiry in the matter associating the applicants ~~within~~ the same and if thereafter they come to the conclusion that they procured a forged card in order to get employment, the applicants may not be given any employment but

in case it is found that they have not used the forged card and the forged card was not prepared by them, their cases for re-engagement and reappointment or regularisation may be considered, in case the persons who were engaged subsequent to the applicants have been allowed to continue in service in same capacity or the other."

The above direction will apply to these cases also and further the respondents are directed to conclude the enquiry within a period of 3 months from the date of communication of this order and further action taken on, on the out come of the aforesaid enquiry. These applications are disposed of with the above directions. There will be no order as to costs.

Ashw Kumar Dutta,
Member (J)

P. V. Ranga
Member (A)

Dated: 17/11/1993.

(n.u;)