

(A2/1) 5

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

Registration O.A. No. 97 of 1988

Hari Shankar Prasad Srivastava Applicant.

Versus

General Manager, Railway Electrification,
Northern Railway Allahabad and others ... Respondent.

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 was appointed as Project Casual Labour on 7.7.1972 and worked as peon under the control of D.C.O.S./R.E Stores, Subedarganj, Allahabad. His services as Project Casual Labour had been terminated on 30.4.1977 along with other project Casual Labours.

2. According to the applicant he had completed more than 360 days^{of} consinuous service as Project Casual Labour under the employment of Railways on 30.4.1977 when his services were terminated. The applicant has been again appointed as Casual Labour on 21.3.1985 and at present working as Table Peon. The Railway Board issued a circular No. E (NG) 11/84-on/41 on 11.9.1986 which was issued after the decision of the Hon'ble Supreme Court in Indrapal Yadav's case in which a direction was given by the Hon'ble Supreme that the Ministry of Railways have decided in principle that Casual Labour employed in projects may be treated as Temporary and attained temporary status on completion of 360 days of continous service. According to the applicant this case is covered under the provisions of para (a) (ii) which laid down as Under;

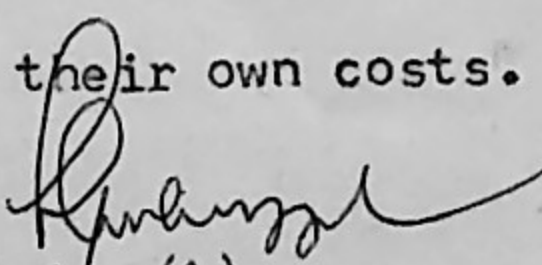
"Casual labour on projects, who though not in service on 1.1.81, had been in service on


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Railways earlier and had already completed the above prescribed period (360 days) of continuous employment or have since completed or will complete the said prescribed period of continuous employment on re-engagement after 1.1.1981."

In view of the aforesaid legal provisions laid down in the said circular dated 11.9.1986, the applicant having ~~been~~ completed more than three years continuous service, is entitled to be treated as Temporary ^{employee} and as shcu he should have been given temporary status w.e.f. 1.1.1982 in pursuance of para (b) (ii) of the aforesaid circular of Railway Board dated 11.19.1986, and this is only relief which has been claimed by the applicant in this application.

3. Accordingly, this application is allowed and ~~they may~~ ^{be declared} ~~that the applicant is entitled to~~ ^{give} the applicant temporary status from ~~the year 1977~~ ^{1.1.1982} in pursuance of para (a) (ii) and (b) (ii) of the Railway Board Circular dated 11.9.1986. The applicant will be entitled to all the consequential benefits. The application is disposed of with the above terms. Parties to bear their own costs.


Member (A)


Vice-Chairman

Dated: 24.7.1992
(n.u.)