

(A3)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD.

D.A. No. 124/1988

(3)

Jaid Ram ::::::: Applicant

vs.

Union of India & ::::::: Respondents.

Others.

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

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

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

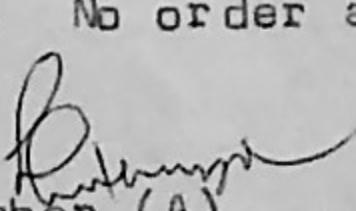
The applicant was appointed as Casual Khalasi on 19-9-77. According to the applicant he continued to work upto 15/5/83, though with certain breaks. Thereafter he was again taken on duty on 17/7/85 where he continued to work upto 19/9/85. On 20/9/85, without any order, the applicant was not allowed to work. He made a representation in this behalf stating therein that his juniors have been allowed to continue and the applicant has not been allowed to work. It is thereafter that the applicant was again engaged on 12/3/86 and he continued to work upto 30/6/86. Again he was not given duty though his juniors were allowed to continue to work. Failing to get any relief from the department, the applicant has filed this application.

2. The respondents have opposed the application. According to them, the applicant was initially appointed on 12/10/78 as per the records available with the Inspector of works (Hardwar) and not in the year 1977 as claimed by the applicant. Although the applicant has filed the Casual Labour Card indicating that the applicant was initially engaged in the year 1977, the respondents'

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reply is not very clear in this behalf and it is stated that the record is not available. The respondents have also taken the plea that the applicant has not satisfied the condition of continuous service of 120 days from 2-11-79 to 21-4-80 and it may be that he must have worked during Kumbhamela or that he must have been deployed and worked before 1-1-81 causing break in service for 2 years. The names are to be taken from Live Casual Labour Register, whose service entry were there upto 1-1-84 and as such applicant has lost all the chances of recruitment in open line and the benefit of his service as well. It has been stated that no junior person has been retained in service.

3. From the evidence on records including casual labour certificate, it appears that the applicant has completed continuous service of more than 120 days of work as casual labour. He, having worked for more than 120 days continuously, his case for further continuous re-engagement and regularisation should have been considered, but the same was not done. It has been stated by the respondents that juniors are not working, but it appears that those who are engaged as casual labour after the removal of the applicant are still continuing to work while the applicant has been thrown out of the service in this manner. Accordingly the respondents are directed to consider the applicant's case for re-engagement and in case juniors of the applicant are still continuing, then the applicant may be considered for regularisation or absorption as the case may be and care should be taken that no junior of the applicant shall be given priority and preference over the applicant. With these observations the application stands disposed of. No order as to the costs.


Member (A)


Vice-Chairman.

Dated: 11th February, 1993, Allahabad.

(tgk)