

CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH  
LUCKNOW

O.A. No. 125/88

(A)  
(2)

Rajendra :::::::::: Applicant

Vs.

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

Hon'ble Mr. Justice R.K. Varma, V.C.  
Hon'ble Mr. V.K. Seth, A.M.

(By Hon'ble Mr. V.K. Seth, A.M.)

In this application the applicant who was a casual Khalasi under Assistant Engineer, Northern Railway, Roorkie has prayed for issue of directions to the respondents to re-engage him on actual duty and order payment of wages and other benefits attached to the said post from 1-6-86 till date. The applicant's main contentions are that he started working as casual khalasi under Inspector of works, Hardwar since 10-8-76 and acquired a temporary status after working/for more than 120 days under the Railway Administration and, therefore, he could not have been removed from service without following the provisions of 'Discipline and Appeal Rules'. He has also asserted that he has neither been given duty nor wages since 1/6/1986 and he has been removed from service without any valid order by a competent authority.

2. The respondents have contested the claim of the applicant mainly on the ground that according to their information he has worked for a total period of ... 29 days starting from 15-4-86 and ending on 14-6-86

(A)

under the Inspector of Works, Dehradun.

(B)

3. We have carefully gone through the records of the case and heard the arguments of the learned counsel for the parties.

4. It is noticed that the applicant has filed a photocopy of his casual labour card No.133195 (Annexure I) with this application. The entries in this card start from 3/9/77 and end on 6/5/80. There is also a remark to the effect that the entries from 9-11-79 to 6-5-80 have been verified from office records and signed by some officer <sup>as</sup> / IOWHW. These entries are reproduced below :-

"Period of employment

<u>From</u>	<u>To</u>	<u>Days</u>
9-XI-79	8-XII-79 .....	(30)
9-XII-79	7-1-80 .....	(30)
8-1-80	6-2-80 .....	(30)
7-2-80	7-3-80 .....	(30)
8-3-80	6-4-80 .....	(29)
7-4-80	6-5-80 .....	(30)

"Verified period from 9-XI-79 to 6-5-80 from record available in office."

Sd/-  
25/8/90

C.I.O.W.H.W.

These entries clearly show that the applicant has worked for more than 120 days continuously during the above said period. We are, therefore, of the view that the ends of justice would be met by issue of directions to the respondents as follows and we order accordingly :-

- 1) The respondents will verify the above entries from the records maintained in their office and to enable the same, if required, the applicant will also produce the Casual Labour Card before

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(G)

respondents. In case the respondents are satisfied about the genuineness of the entries in the Casual Labour Card of the applicant, the respondents will grant him temporary status from the date his <sup>immediate</sup> junior has been granted the said status.

2. They will also take back the applicant on duty. However, the applicant will not be granted any backwages for the period 1-6-86 to the date of his re-engagement on duty on the principle of "no work, no pay".
5. In the facts and circumstances of the case the application of the applicant is disposed of as above. There will be no order as to costs.

*h.s.*  
ADMINISTRATIVE MEMBER

*R.K. Varma*  
VICE CHAIRMAN

Dated: 07/10/1993.

(tgk)