

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

Dated : Allahabad this the 25th March, 1996.

CORAM : Hon'ble Mr. S. Das Gupta, Member-A  
Hon'ble Mr. T. L. Verma, Member-J

ORIGINAL APPLICATION NO. 1268 of 1988  
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Shri Suresh Kumar Gupta son of Shri Hari Prasad  
R/o. Mohalla Dharmshala Bazar, (South),  
in front of Allahabad Bank, Dharmshala Bazar, Gorakhpur  
City, District Gorakhpur.

....Applicant.

(THROUGH ADVOCATE SHRI A.S.LAL)  
Vs.

1. The General Manager, North-Eastern Railway,  
Gorakhpur.
2. The Divisional Rail Manager,  
North-Eastern Railway, Lucknow.

.....Respondents.

(THROUGH ADVOCATE SHRI A.V.SRIVASTAVA)

O R D E R (oral)

(By Hon'ble Mr. S. Das Gupta, Member-A)

The applicant claims that he had worked on casual basis on different spells between 18.1.1981 to 15.8.1985 for a total of 393 days. He was not re-engaged ~~for~~ after 15.8.1985 though, it is alleged, the persons junior to him namely Sri Jagdish Sahai and Sri Jagdish were employed in regular manner in June, 1987. It is alleged that the said Jagdish Sahai and Sri Jagdish had rendered only 268 days and 215 days of service, <sup>in A/L</sup> The applicant ~~although~~ rendered 393 days of service. It is stated that he had submitted several representations first of which was dated 1.3.88. After not receiving any response from the respondents, the applicant filed this O.A. seeking declaration that he is entitled to be appointed as Khalasi under the



Divisional Railway Manager, North-Eastern Railway, Lucknow from the date his juniors namely Sri Jagdish Sahai and Sri Jagdish were appointed against regular vacancies.

2. The respondents have not disputed the averment with regard to number of days worked. It has, however, been stated that the Casual Labours are absorbed on regular vacancies only after screening. Since the applicant did not work after the year 1985, question of his absorption on regular basis does not arise as neither any screening took place during his period of working nor he was eligible to appear in screening or participated in the same. As regards the allegation that his juniors have been appointed on regular basis, the respondents have denied the same and have stated that without any details of the persons named, the respondents are not in a position to offer any comments.

3. The applicant thereafter filed a rejoinder-affidavit in which it was inter-alia, submitted that the names of the persons junior to the applicant and the details of working and their place of duty are given in Annexure-1 to the said affidavit. However, no such annexure has been filed giving required details. When the case was called out, none responded for the applicant. Hence we have heard the learned counsel for the respondents and carefully went through the pleadings on record.

Wf



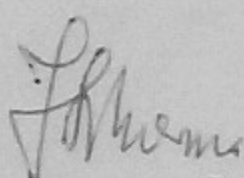
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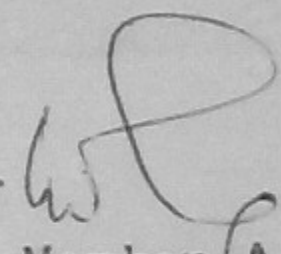
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4. It is clear from the averments that the applicant had worked for the last time in 1985 and he was not engaged thereafter. He has not been able to establish the allegation that his juniors have been given regular appointment subsequently. The fact however, remains that the applicant admittedly worked for a total of 393 days in different spells and in terms of the circular of the Railway Board, his name is to be borne on the Live Casual Labour Register. There is no averment either by the applicant or by the respondents that his name is being borne on the said Register. However, in case his name is listed, the respondents shall consider the re-engagement of the applicant in his own turn and also regularise his services according to his seniority.

5. With this observation, the application is disposed of. There shall be no order as to costs.

  
Member-J

  
Member-A

Dt/- Allahabad March, 25, 1996.

(pandey)