

(10)

In The Central Administrative Tribunal
ALLAHABAD BENCH

: : ORDER - SHEET : :

156/92

Application No. of 199

Applicant (s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

Notes of the Registry	Orders of the Tribunal
	<p><u>27.06.2000</u></p> <p>Hon'ble Mr. S. Dayal, A.R. Hon'ble Mr. Rafiq Uddin, J.R.</p> <p>Shri Anand Kumar, learned counsel for the applicant seeks adjournment on personal ground. This prayer is not allowed as the case is of 1992 vintage.</p> <p>Shri Prasant Nathur for the respondents. A.A. No. 995/99 though on record, has not been listed for orders. The learned counsel for the applicant has prayed that the delay may be condoned in filing the rejoinder be kept on record. This prayer is allowed and the rejoinder shall form part of the record.</p> <p>The arguments of learned counsel for the respondents have been heard and the order dictated.</p> <p style="text-align: right;">J.R. A.R.</p> <p>/H.K./</p>

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad, this the 27th day of June 2000.

CORAM

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

Original Application No. 1566 of 1992.

Mahesh Chand son of Shri Shyam Lal, ex-gangman under P.W.I.,
Northern Railway, Mainpuri, resident of Village-Kakarra,
Post Office-Dihuli, District-Mainpuri.


..... Applicant

(C/A Sri Anand Kumar)

Versus

1. Union of India through General Manager, Northern Railway,
Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Allahabad.
3. Divisional Engineer (Track), Northern Railway, D.R.M.'s
Office, Allahabad.
4. Permanent Way Inspector, Northern Railway, Mainpuri.

..... Respondents

 (C/R Sri P. Mathur & S.K. Garg)

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ORDER

By Hon'ble Mr. S. Deval, A.M.

This application has been filed under Section 19 of the Administrative Tribunal Act 1985 for issuance of direction to the respondents to absorb, the applicant in the Railway service and regularise his service in accordance with the directions of the Apex Court, Indrapal Yadav Versus Union of India. Directions to the respondents also sought for registration of the name of the applicant in the Casual Labour Live Register of the unit as well as of the Division.

2. The case as presented by the applicant in his application is that the applicant was initially appointed as Casual Gangman under Permanent Way Inspector, Northern Railway, Mainpuri on 16.12.1977 and worked on this continuously upto 05.03.1979. The applicant claims that he was allowed to work under the Assistant Permanent Way Inspector, Northern Railway, Mainpuri from 02/11/79 to 31/12/79. He claims that he was allowed to work ~~as~~ under Permanent Way Inspector, Sikohabad for about 2 months without giving the exact dates and was thereafter was retrenched. He claims that he had attained the status of temporary Railway Employee. He also states that he was not re-engaged nor his name ~~was~~ included in the Casual Labour Register, despite continuously contacting superior officials and giving written representations. He claims that several of his juniors, and fresh faces were appointed. He also claims that Casual Labour who had worked for only 120 days, were called for screening by commercial traffic Department. He also claims that Mobile Booking Clerks who had worked for even less than 120 days were re-engaged

and granted temporary status after 120 days and regularised after 3 years.

3. The arguments of Shri P. Mathur who was present on behalf of ~~the learned counsel~~ ^L for the respondents were heard.

4. We find from Annexure A-1 to the O.A. which is ~~set~~ ^L said to be a copy of the Casual Labour Card of the applicant that the applicant had worked for 178 days between 16/12/77 and 05/03/79. Thus his claim that he had worked continuously from 16/12/77 to 05/03/79 is not based on the record produced by the applicant. He again appears to have worked for 60 days from 02/11/79 to 31/12/79. Although this appears to have been admitted by the respondents in their counter reply. The respondents have mentioned that the name of the applicant has been entered as at Page No. 22 of Casual Labour Register. The learned counsel for the respondents assures us that the case of the applicant shall be considered as and when his turn comes. While accepting this contention of learned counsel for the respondents, we direct the respondents to inform the applicant of his serial number in the Casual Labour Live Register and also inform him as to how many of those who were on the Casual Labour Register have so far been engaged with their total days of work registered in the live register. This shall be done by the respondents within 6 weeks of receipt of a copy of this order from the applicant.

5. There shall be no order as to costs.

Rajiv Mehta
J.M.

A.R.
A.R.

/H.K./