

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 651 of 1992

Allahabad this the 24th day of January, 2000

Hon'ble Mr. S. K. I. Naqvi, Member (J)

1. Mahabir S/o Jaggan Nath R/o Village & Post Patyora, Distt. Hamirpur.
2. Ramesh S/o Arjun Pd. R/o Village & Post Patyora, Distt. Hamirpur.
3. Sunder S/o Chukuwa R/o Village & Post Patyora Distt. Hamirpur.
4. Badri S/o Dheena R/o Village & Post Patyora, Distt. Hamirpur.
5. Hari Lal S/o Munni Lal R/o Village & Post Patyora, Distt. Hamirpur.
6. Radhey Shyam S/o Baig Nath R/o Village & Post Patyora, Distt. Hamirpur.
7. Amar Singh S/o Jolari R/o Village and Post Patyora, Distt. Hamirpur.
8. Rajendra S/o Shiv Prasad, R/o Village and Post Patyora, Distt. Hamirpur.
9. Sheo Karan, S/o Ram Ratan, R/o Village and Post Patyora, Distt. Hamirpur.
10. Champa S/o Debiya, R/o Village and Post Patyora, Distt. Hamirpur.
11. Dirpal, S/o Lalura, R/o Village and Post Patyora, Distt. Hamirpur.

12. Banwari S/o Gajadhar R/o Village and Post Patyora, Distt. Hamirpur.
  13. Ram Prakash S/o Brij Gopal, R/o Village and Post Patyora, Distt. Hamirpur.
  14. Sheo Raj S/o Ram Ratan R/o Village and Post Patyora, Distt. Hamirpur.
  15. Kamta Prasad S/o Bhikhuwa R/o Village & Post Patyora, Distt. Hamirpur.
  16. Parashu Ram S/o Chhota, R/o Village and Post Patyora, Distt. Hamirpur.
  17. Ram Kishun S/o Tulshiya R/o Village and Post Patyora, Distt. Hamirpur.
  18. Indrapal S/o Jag Dev, R/o Village and Post Patyora, Distt. Hamirpur.
- all are casual labours and residents of village and post Patyora, Distt. Hamirpur.

Applicants

By Advocate Shri R.K. Rajan

Versus

1. Union of India through Secretary, Ministry of Railway, Railway Bhawan, New Delhi.
2. General Manager, Central Railway, Bombay V.T.
3. Divisional Railway Manager, Jhansi.
4. Inspector of Works, Kanpur Juhi, under D.R.M. Jhansi.

Respondents

By Advocate Shri Prashant Mathur.

O R D E R ( Oral )

By Hon'ble Mr.S.K.I. Nagvi, Judicial Member

Mahabir and 17 others have come up before the Tribunal seeking direction to the respondents no.2 and 3 to re-engage the applicants in their service and they be accorded the temporary status and all other service benefits and fixed their seniority according to their position in the Live Casual Labour Register.

2. As per applicants case, they were deployed for project and open line in the railway department as casual labours under the respondents and were discharging their duties under the Inspector of Works at Kanpur(Juhi). All the applicants except applicant no.13 and 14 namely Sri Ram Prakash and Sheo Raj have put in 120 working days <sup>or more</sup> and therefore, they are entitled to be re-engaged with all service benefits.

3. The respondents have contested the case with a clear mention that none of the applicants in the present case was ever engaged as alleged in the O.A. It has also been contended that on verification from the records with Inspector of Works, Juhi, Kanpur, it is found that none of the applicants was ever engaged with I.O.W., Juhi, Kanpur and, therefore, they are not entitled to the relief sought for. At this stage, another application was moved on behalf of the applicants that Inspector of Works, <sup>Juhi</sup> Kanpur Central, Kanpur be directed to verify the service records of the

applicants in the Office of Divisional Engineer (East) Jhansi, to which directions were issued to the respondents to present the record of casual labours who worked during the relevant period at Juhi, Kanpur with Inspector of Works, Juhi, Kanpur. It was also directed that the records be produced <sup>in the office</sup> ~~wherever~~ they are maintained <sup>in</sup> ~~even~~ in the Office of ( East) Divisional Engineer, ~~J~~Jhansi or with the Inspector of Works, Juhi, Kanpur. The summoned records were produced before the Court and on perusal of these records, which were allowed to <sup>be inspected</sup> ~~the Inspector~~ by learned counsel for the applicant as well, it was found that none of the applicants ~~finds~~ mentioned in the record for the relevant period and, therefore, it is evident that as per records of the respondents, the applicants had not worked as casual labour, as they have alleged in the ~~the~~ O.A.

4. Under the circumstances, it may not be possible to provide the relief sought for and to issue any direction as requested in the relief clause. The O.A. is dismissed accordingly. No order as to costs.

Member (J)

/M.M/