

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Dated: Allahabad, the 29th day of March, 2001.

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

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

ORIGINAL APPLICATION No. 836 OF 1992

1. Pyarey Lal, r/o Magrol Kalan,
P.O. Bela, Tal, Hamirpur.
2. Ram Swarup,
r/o village Nagaz, District Jhansi.
3. Chakki Lal,
r/o village Kaka Bara, District Jhansi.
4. Badan Lal,
r/o village Vishanpur, PO Jewar,
District Tikamgarh.
5. Ram Sewak,
r/o village Lalarammana,
P.O. Baruwa Sagar, Jhansi.
6. Lalta Prasad,
r/o village and Post, Pirona,
Teh. Jalaun, District Jalaun.
7. Nathu Ram,
r/o village Khajra, P.O. Baruwa Sagar,
District Jhansi.
8. Prabhu Dayal,
r/o village Baruwa Sagar,
District Jhansi.
9. Ram Kumar,
r/o village Nagoz, P.O. Katira,
District Jhansi.
10. Ram Charan,
r/o village Barhara, Teh. Rath,
District Hamirpur.

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11. Moti Lal,
r/o village Patgawan,
District Jhansi.
12. Chotey Lal,
r/o village Patgawan,
District Jhansi.
13. Harbal,
r/o village Patgawan,
District Jhansi.
14. Chandrabhan,
r/o village Patgawan,
District Jhansi.
15. Kailash,
r/o village Kuthneva,
District Jhansi.
16. Dhani Ram,
r/o village Bela Tal,
District Hamirpur.

All are casual labourers and worked under the
different mates, namely: Mehendi Hasan, Sukh Lal,
Matadin.

. . . Applicants

(By Advocate Sri R.K. Rajan)

Versus

1. Union of India, through Secretary,
Ministry of Railways, Rail Bhawan,
New Delhi.
2. General Manager,
Central Railway, Bombay B.T.
3. Divisional Railway Manager,
Jhansi.
4. Permanent Works Inspector,
Karwi, Under D.R.M., Jhansi.

. . . Respondents

(By Advocate Sri P. Mathur)

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O R D E R (ORAL)

(By Hon'ble Mr. S. Dayal, AM)

This Original Application has been filed for direction to Respondents 2 & 3 to re-engage applicants for their jobs. A direction is also sought to the respondents to verify the original records and to give the applicants the benefit of temporary status, since they had completed more than 120 days. A direction to the respondents is sought to give all benefits and privileges including arrear of salary from the date of their dis-engagement as per the policy. Another direction sought is to prepare a seniority list of casual labourers and fix their seniority according to their period of engagement in the Live Register for casual labourer. The applicants seek arrears of salary of temporary Class IV employees since the date of dis-engagement.

2. The case of the applicants is that they were deployed for an open line work in Railway Department as casual labourers and posted at Chitrakoot Dham, Karvi, District Banda. It is claimed that all the applicants have worked for more than one year and they were given labour service cards. The applicants were dis-engaged from the dates shown in the chart. Hence, they are entitled for regularisation and temporary status as also for performing casual type of work. It is claimed that the applicants had worked for more than 120 days. They were entitled to temporary status. The learned counsel for the

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applicant has also mentioned that as per Circular dated 2nd March, 1987, the casual labour, who had worked before 1.1.1981 were to be considered for re-engagement and regularisation of their services. The relief is claimed in the backdrop of this.

3. We have heard Sri R.K. Rajan, learned counsel for the applicant and Sri P. Mathur, learned counsel for the respondents.

4. The learned counsel for the applicant has referred to the casual labour card of the applicants which shows that the applicant no.1 had worked from 19.10.82 to 18.2.83, 19.2.83 to 31.5.83, 1.6.83 to 18.8.83. The applicant was disengaged on 18.8.83. The applicant no.2 had worked from 3.6.82 to 24.11.82, 3.12.82 to 18.8.84. He appears to have been disengaged after 18.8.84. Applicant No.3 worked from 28.6.82 to 28.7.83 and 29.10.83 to 18.8.84. The casual labour card of applicant no.4 does not contain any days of work put in by him. The applicant no.5 worked from 23.8.82 to 23.9.82. The applicant no.6 worked from 3.12.85 to 2.2.86. The applicant No.7 worked from 3.12.85 to 2.2.86. The applicant no.8 worked from 30.9.82 to 19.11.82. The applicant no.9 worked from 21.2.82 to 4.10.82. The applicant no.10 worked for 30 days as per his casual labour card. The applicant no.16 worked from 1.3.84 to 18.10.84. No cards for other applicants have been annexed to Misc. Application. The learned counsel for the applicant also mentions that he had filed some information in

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the form of casual labour card along with his supplementary rejoinder affidavit as annexed. The learned counsel for the applicant relies on the order of this Tribunal in Original Application No.1550 of 1992, in which directions were given for entering the names of the applicants on Live Register of casual labour and were to be re-engaged, if their juniors had been re-engaged.

5. Sri P. Mathur, learned counsel for Respondents stated that the application is barred by statute of limitation, as the applicants had filed this Original Application after a number of years of their dis-engagement. The learned counsel for the Respondents also mentions that names of all the applicants, barring applicant nos.14 & 15 were entered in the Live Register of casual labour and no person junior to them has so far been appointed.


6. We find that the names of the applicants have already been entered in the Live Register of casual labour, barring applicant Nos.14 & 15 and nobody junior to them whose name is in the Live Register of casual labour is said to have been appointed, according to the counter reply. The applicants have not been able to establish their claim that their juniors have been appointed. The learned counsel for the applicant stakes a claim for regularisation and re-engagement on the ground that they had worked for 120 days. It remains a fact that the applicants were dis-engaged

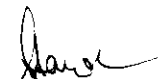
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17 to 18 years back. Their only claim of re-engagement and regularisation would be on the basis of their seniority in the casual labour for Live Register. Therefore, we find that no case of our intervention exists barring the case of applicant nos.14 & 15. These two applicants were not put on Live Register, because some information was wanted. The wanting information in the form of their father's names and addresses of these applicants have been given by the applicants in paragraph-3 of the Supplementary Rejoinder Reply. The respondents are directed to verify from their records with regard to these two applicants and if their period of service is correct, their names should also be enrolled in the Live Register of casual labour. This shall be done within a period of three months from the date of receipt of a copy of this order. The applicants shall be considered for engagement/absorption in their turn on the basis of their seniority in the Live Register.

7. There shall be no order as to costs.


(RAFIQ UDDIN)
JUDICIAL MEMBER


(S. DAYAL)
MEMBER(A)

Nath/