

Central Administrative Tribunal  
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 18th Day of July, 2000.

CORAM:

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

Hon'ble Mr. M.P. Singh, A.M.

Original Application NO.1200 of 1992.

Mukhtar Alam ,

S/o Sri Bismillah,

R/o Mohalla Jahidabad,

Post- Gorakhnath,

District- Gorakhpur was working

as Casual Labour in Loco Shed,

N.E. Railway, Gorakhpur.

. . . Applicant.

Counsel for the applicant: Sri B. Tiwari and  
Sri V.K. Barma, Adv.  
Versus

1. Union of India through the  
General Manager,  
N.E. Railway, Gorakhpur.

2. Divisional Railway Manager,  
N.E. Railway, Lucknow.

. . . Respondents.

Counsel for the Respondents: Sri A. Stalekar, Adv.

O\_R\_D\_E\_R (Open Court)

(By Hon'ble Mr. Rafiq Uddin, J.M.)

The applicant seeks a direction to the respondents to absorb<sup>him</sup> and regularise<sup>7</sup> as Casual labour in Loco Shed in Gorakhpur as Khalasi with proper seniority and other consequential relief.

2. The applicant claimed<sup>g</sup> that he was appointed as Casual Labour from time to time and he had compleated

Ry

-2-

at 970 days before his Services were dis-continued. Thus the applicant had acquired temporary status and is entitled for regularisation as provided in para 179 (xiii) (b) of Indian Railway Establishment Mannual Valume-1. The applicant also states that the panel was formed for absorption of Casual Labour on 01.8.1987 in respect of such Casual Labourers in Locomotive Shed who had worked more than 120 days, but the name of the applicant was not included in the list of such Casual Labourers. The name of the applicant should have been included since he has been already completed 970 days. In the list published for carriage and Wagon Department of Lucknow Division on 25.9.1987, the name of the applicant was included at serial No. 662 and his working period of the applicant was mentioned 970 days. The applicant accordingly represented the matter by his application dated 11.4.1990 to the D.R.M., N.E. Railway and by application dated 11.9.1990 to the General Manager in Gorakhpur. The respondents, however, have not considered his case for regularisation from the service. The applicant also claimed that several junior to the applicant have been included in the list and absorbed in the service including Mr. Ashok Kumar and Mr. Chandra Deo Shah. The applicant also stated that the screening proceedings were held on 25.5.1987 in which the applicant was declared passed but the name was not included in the list of qualified candidates.

3. The respondents in their counter reply have denied the claim of the applicant for having worked continuously for 970 days. It is however admitted that the applicant worked for a total of only 136 days in short spells from 24.5.1985 to 21.4.1986. Thus the applicant has not worked 120 days continuously. Hence the question

R

-3-

of the applicant having acquired the temporary status, does not arise and <sup>as</sup> such the applicant is not entitled for regularisation. The applicant, however, was screened in Carriage and Wagon Department and his name had been placed ~~at~~ serial No.226 of the panel list, but the same panel has been quashed vide order dated 21.11.1989 passed by Divisional Railway Manager, N.E. Railway, Lucknow. It is also denied that any person junior to the applicant has been empaneled and absorbed in any post. The respondents have also claimed that the O.A. is grossly time barred because if the applicant was not satisfied from the list dated 01.8.1987, <sup>In</sup> which the name was not included, he should have ~~filed~~ <sup>filed</sup> a proper application at that time.

4. We have heard proxy counsel for the respondents and perused the record.

5. This Tribunal vide order dated 08.3.1996 directed the respondents to clarify their position regarding Annexure A-3 filed by the applicant. The name of the applicant appears at Serial No. 622 and his number of working days has been shown as 970. In pursuance of this order a supplementary counter affidavit has been filed by Sri Amitabha Khare, Sr. Divisional, Railway Officer, in which it is explained that the copy of the panel as Annexure A-3 belongs to Carriage and Wagon and not to Loco Shed. The panel was also cancelled vide order dated 21.11.1989. A copy of the order has been annexed as annexure S C A -1

6. The screening is done unit wise and Casual Labour of one unit cannot seek employment in another unit. It has been re-iterated by the respondents that the applicant has worked as Casual Labour <sup>for</sup> 136 days in

Ru

-4-

broken spells under Loco Forman Gorakhpur. It is also clarified that Sri Ashok Kumar worked 968 days and Sri Amla Singh worked for 972 days, as against for only 136 days done by the applicant.

7. Therefore, the question of his supersession does not arise. The applicant in his R.A. has emphasised that the claim of the applicant for having worked for 970 days has not been denied. It has however been explained by the respondents that aforesaid working days relate to another department namely Carriage and Wagon depot,, Where as the applicant claims his regularisation in Loco Shed which is a separate unit. Therefore, we are convinced from the arguments of the learned counsel for the respondents that the claim for regularisation in the Loco Shed. is not made out. As regards the working days of Carriage and Wagon Dept., the pannel prepared on the basis of those working days has already been cancelled vide order dated 21.11.1989 which is not under challenge in this O.A. Therefore, it is not possible to consider or give any relief on the basis of working days of the applicant in Carriage and Wagon department in the present O.A. The applicant has also not shown us that he had worked continuously for more than 120 days in the Loco Shed,. Therefore, no relief can be granted to him for his regularisation in the Loco Shed. In this context, we have also pursued Annexure A -1. The certificates issued to the applicant in respect of his working days in the Loco Shed. The certificate indicates that he has worked for 60 days during the period from 24.5.1985 to 22.7.1985 and for 76 days during the period from 27.1.1986 to 21.4.1986.

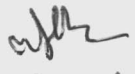
Rm

-5-

These documents, however do not show that he had worked continuously for more than 120 days in the Loco Shed.

In the <sup>secret</sup>~~perused~~ we do not find any <sup>force</sup>~~record~~ in the O.A. and the same is dismissed.

8. No order as to costs.

  
Member-A.

  
Member-J.

/Raza/