

RESERVED

CENRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

DATED THE 12TH DAY OF NOVEMBER 1998

CORAM : HON'BLE MR. S.L.JAIN, J.M.
HON'BLE MR. G.RAMAKRISHNAN, A.M.

ORIGINAL APPLICATION NO.1265 OF 1992

Rahey Shyam S/o Narain,
R/o Village Chithey Mau,
P.O. Mahraunda,
District Allahabad.

..... Applicant

C/A Shri K.S.Saxena, Advocate.

Versus

1. The Union of India (The General Manager,
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
Allahabad.
3. The Sr. Divisional Personnel Officer,
Northern Railway, D.R.M. Office,
Allahabad.

..... Respondents

C/R

J.S.M.

ORDER

BY HON'BLE MR. S.L.JAIN, J.M.

This is an application u/s 19 of the Administrative Tribunal Act, 1985 for re-engagement as casual labour under D.R.M. Allahabad, to accord temporary status, to absorb by process of implement and back wages since 14.8.86 along with costs.

2. Notices meant for the respondents were handed over to the clerk of Shri A.V.Srivastava, Advocate standing counsel for the respondents on 29.7.93. Inspite of it, the respondents did not appear to defend the case.

3. The brief facts of the case are that he has worked as casual labour on daily wages in the office of D.R.M., Northern Railway, Allahabad from 20.4.85 to 14.8.85 and 29.4.86 to 14.8.86 total working days 225. Thus he becomes entitled to temporary status, as he has worked when the production work was available in view of para 2001(i)(b) read with para 2003(d) of Indian Railway Establishment Manual, Volume-II. He was discharged on 14.8.86. His name must have been on Live Casual Register. He is also entitled for absorption as per rules. He made the representation dated 7.2.92 but no action was taken on it. Hence this O.A. for the above said relief.

4. Annexure A-2 clearly discloses that the applicant has worked from 20.4.85 to 14.8.85 total 115 days, 20.4.86 to 14.8.86 total 108 days - Grand total 225 days.

5. In view of para 2003, absence on account of completion of work or for non availability of work is not to be counted as break in service for the determination of 120 days.

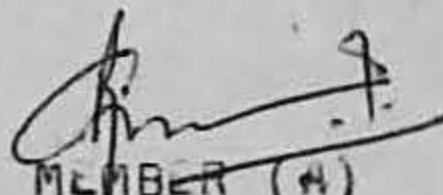
J. Jain -

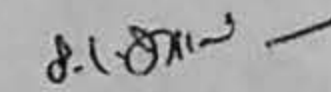
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6. The applicant is entitled to be entered in his name in Live Casual Register and for temporary status as per rules (1992 SCC (L & S) 611 Union of India and others v. Basant Lal and others. His representation has not found favour with the authorities.

7. In the result, O.A. is allowed, respondents are directed to award temporary status to the applicant, his name be entered in Live Casual Register, engage him on the availability of work, and consider his case for absorption as per rules.

8. As respondents have not defended the case, the applicant is ordered to bear his own costs.


MEMBER (A)


MEMBER (J)

Gc