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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Original Application No. 1255 of 1993

Allahabad this the 23rd day of March, 1995

Hon'ble Mr. Justice B.C. Saksena, Vice Chairman
Hon'ble Mr. S.Das Gupta, Member(A)

Anand Prakash Tiwari, S/o Sri Hari Kishan Tiwari,
R/o Village Rasulpur, Post Ram Nagar Bhojpur,
Distt. Pratapgarh worked under Chief Controller,
Allahabad Divisional Rail Manager, office Allahabad

Applicant.

By Advocate Shri H.P. Pandey

Versus

1. Union of India through the General Manager,
Board, Northern Railway, New Delhi.
2. Divisional Railway Manager, Allahabad, Division,
Northern Railway, Allahabad.
3. Divisional Operating Superintendent, Divisional
Rail Manager's office Allahabad, Northern
Railway, Allahabad.

Respondents.

By Advocate Shri A.K. Gaur.

O R D E R (Oral)

By Hon'ble Mr. Justice B.C. Saksena, V. Chairman

We have heard the learned counsel
for the parties. The parties have exchanged their
pleadings also.

2. The applicant alleged that he had
worked under the Chief Controller for certain
intermittent periods between 1977 and 1978. He
further alleges that he had worked for the short
duration during the Kumbh Mela in the year 1988
these
and 1989. The applicant in ~~these~~ circumstances

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has inter-alia prayed for a direction to the respondents to employ the applicant on the post of Khalasi, ^{and} to direct the respondent no.1 to enter the name of the applicant in the Live Register.

3. As far the second relief is concerned, we find ~~in~~ para 5(XI) that the applicant had alleged that his name has been shown in the Live Register. In the counter-reply, respondents have accepted the said averments and have stated that name of the applicant is ~~0000000~~ in the Live Casual Labour Register on divisional basis and it is against computerised card no.4709 in the said register. In view of the said factual position, the second relief is mis-conceived. As far as first relief is concerned, ^{the allegation for} that certain juniors to the applicant have been retained and are continuing in service, ^{in the absence of} ~~no~~ specific date of their re-engagement or ~~material~~ material to prove that so called persons are junior to the applicant, ^{not} is established. In these circumstances, we direct that the applicant who prays for re-engagement on the basis of total number of working days in the division and as per his ~~serial~~ serial number in the Live Casual Labour Register, shall be considered by the respondents

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and the applicant will be re-engaged in preference to the casual labour whose names occurs below the serial number of the applicant in the said register. ④

4. With the above directions
the application is disposed of. There
shall be no order as to costs.

WL
Member(A)

BD
Vice Chairman

/M.M/