

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 25th day of August of 2000.

Coram :-

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Hon'ble Mr. S. Biswas, Member (A).

Original Application No. 1770 of 1993.

Prahlad Pandey, S/o Sri Baijnath Pandey.

R/o Vill. Rawatpur, P/o Lar Road, Distt. Deoria.

..... Applicant.

Counsel for the applicant:- Sri V.K. Srivastava.

V E R S U S

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

2. Divisional Rail Manager, Northern Eastern  
Railway, Lahartara, Varanasi.

3. Station Superintendent, Northern Eastern  
Railway, Chhupra Kutechurey, Chhupara.

..... Respondents.

Counsel for the respondents:- Sri A.K. Gaur.

O R D E R (oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this application under section 19 of  
Central Administrative Tribunal Act 1985, applicant



has prayed that respondents may be directed not to terminate the services of the applicant <sup>except</sup> in accordance with law and further to regularise <sup>him</sup> him from the date his juniors were granted regularisation.

2. For the aforesaid relief the claim of the applicant is that he was engaged as Seasonal Water Man (casual labour) in the year 1981. With certain breaks he was continued in job up to 1992. In support of his claim he was filed various documents. On behalf of the respondents the fact that the applicant has worked for the aforesaid period with certain breaks has not been denied but the claim has opposed on the ground that after the order dated 31.12.80 no casual labour can be engaged without prior approval of the competent authority, that is, General Manager. Hence the initial engagement was illegal and he is not entitled for any relief.

3. We have carefully considered the submissions of the learned counsel for the applicant and respondents. It is not disputed that the applicant was continued in job up to 1992 with certain breaks. For the first time plea has been raised before this Tribunal. In the circumstances if the initial engagement was ~~not~~ regular, <sup>it became regular on subsequent dates</sup> and he was allowed <sup>to work and paid</sup> the salary. The applicant <sup>however</sup>, working 120 days, it appears, that, <sup>he</sup> was granted temporary status. In these facts and circumstances in our opinion applicant is entitled for the relief.

4. Application is accordingly allowed. Respondents are directed to keep the name of the applicant in

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Live Casual Register and give him seniority from the date of engagement and provide him work<sup>er</sup> on the basis of working days and also other benefits. However, he will not be entitled for back wages. The order shall be complied within three months <sup>via copy</sup> from the date of communication of this order.

4 No order as to costs.

S. B. Sin  
Member (A)

Vice-Chairman.

/Anand/