

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 31st January, 1997

Original Application No. 1875 of 1993.

District : Varanasi

Hon'ble Mr. S. Das Gupta, A.M.
CORAM:- Hon'ble Mr. T.L. Verma, J.M.

1. Jagarnath Singh Kushwaha
Son of Shri Pawar Singh Kushwaha

2. Prakash Srivastava
Son of Shatrughan Srivastava,

3. Mahendra Nath Tewari,
Son of Shri Ram Adhar Tewari,

4. Ehatam Beg
Son of Shri Latif Beg,

5. Sudarshan ~~Sinha~~ Singh ~~Sinha~~ Son of Shri Ram Janam ~~Sinha~~ *

6. Mohammad Allauddin Ansari
Son of Shri Mohammad Babu Jan.

7. Ram Ashraya Prasad

8. Shiv Narain Singh

9. Om Prakash Tewari
Son of Shri Hare Ram Tewari.

10. Deo Ram
Son of Shri Chandar Chaudhary.

11. Jagdhari Chaudhary
Son of Shri Chandar Chaudhary
All resident of Laco Shed.

(By Sri Uma Kant/Sri Srivastava, Advocates) Applicants
versus

1. Union of India
through its General Manager
Northern Railway, New Delhi.

2. Divisional Railway Manager,
Northern Railway, Lucknow.

3. A.M.B. (Personnel)
Northern Railway, Lucknow.

(By Sri Prashant Mathur, Advocate)

..... Respondents

W.L.

ORDER (Oral)

By Hon'ble Mr. S. Das Gupta, A.M.

11 applicants have jointly filed this OA seeking quashing of the order dated 15-9-1993 by which their representations for regular engagement has been rejected by the respondents. They have prayed for a direction to the respondents to regularise and screen them in accordance with the Government Order and to grant benefit of pay etc. to them.

2. The applicants are stated to have worked for a short period of 32 days w.e.f. 24-12-1979 to 24-1-1980. They had earlier challenged their dis-engagement by filing OA No. 474 of 1991 which was disposed of by a Bench of this Tribunal with a direction to the respondents to consider the representations of the applicants and to dispose it off by a speaking order. Thereafter the respondents have considered the representations of the applicants and the same has been rejected by the impugned order 15-9-1993. Hence, this application.

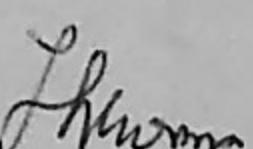
3. It is not in dispute that the applicants had worked from 24-12-1979 to 24-1-1980 for a total period of 32 days and that they did not attain temporary status. The respondents have, however, stated that their engagement as Engine Cleaner was by the Inspector, who was not competent to appoint these applicants. Their case is that the power had been withdrawn from the Inspectors of appointing casual workers and, therefore, they had acquired no right.

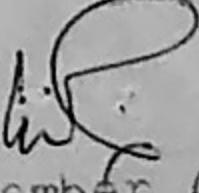
4. We are not able to agree. The applicants were engaged as casual workers and they had actually worked for a short spell. Admittedly, they were not entitled to be granted temporary status but having worked for a short period, they were entitled to have their names entered

W.L.

in the Live Casual Register and to be considered for re-engagement as and when there ~~is~~ is requirement of casual engagement in their own turns. This right cannot be taken away on the ground that the Inspector, whose power of appointment had been withdrawn had engaged them. It is not the case of the respondents that the applicants are in any way guilty of misrepresentation while obtaining employment under the Railways. If there has been any technical irregularity in their appointment, the persons who had committed such irregularity ~~should~~ be proceeded against but this fact cannot be held out against the persons who have actually worked as casual workers.

5. In view of the foregoing, we direct the respondents to place the names of these persons in the Casual Live Register depending on the number of days they had worked and ~~to~~ consider them for re-engagement, as and when there is requirement of employment of casual workers, in their own turn. The question of regularisation is premature in this situation and, therefore, no relief can be granted at this stage.


Member (J)


Member (A)