

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD

DATED : ALLD. ON THIS 12th DAY OF MARCH, 1998

CORAM : HON'BLE MR S DAYAL, MEMBER (A)
HON'BLE MR.D.V.R.S.G.DATTATREYULU, MEMBER (J)

ORIGINAL APPLICATION NO. 335 OF 1993

Ram Swaroop S/o Shri Kishanlal
aged about 26 years R/o House No.
241/11, Naina Garh, Prem Nagar, Jhansi (UP)

.... Applicant

C / A :- Shri H.P.Pandey/Shri A.D.Prakash

Versus

1. Union of India through the General Manager, Central Railway, Bombay V.T.
2. The Divisional Railway Manager, Jhansi Central Railway, DRM's Office, Jhansi.
3. The Divisional Mechanical Engineer (Diesel) Jhansi Central Railway DRM's Office, Jhansi (UP).

.... Respondents

C / R :- Shri A.V.Srivastava

O R D E R (Reserved)
(By Hon'ble Mr.D.V.R.S.G.Dattatreyulu, Member (J))

This petition is filed under section 19 of the Central Administrative Tribunal's Act, 1985 praying to issue any direction to the respondents to reinstate the applicant in service in Diesel Loco Shed, Jhansi with all the arrears and benefits and also to pay the back wages from 16.08.89 onwards. The brief allegations made in the application are to the effect that the applicant was initially engaged as a Casual Labour under P.W.I. (North), Jhansi. The applicant was not allowed to continue in service but he was employed till 18.04.1985. Subsequently he was re-engaged on 22.07.85 but his services were discontinued without any orders. Again he was engaged on 01.01.88 and his services were terminated as he failed to

produce the Casual Labour Service Card on 30.04.1988. This termination is not correct. He made a number of representations but they have not been considered. Hence, this application.

2. In the counter reply filed on behalf of respondents i.e. Union of India, the allegations made in the petition are denied parawise. It is stated that the applicant was initially engaged purely as Casual Labour on daily rated basis and worked in broken spells as follows:-

19.12.1984 to 18.04.1985	119 days
10.07.1985 to 18.02.1986	223 days
02.01.1988 to 31.03.1988	88 days
04.04.1988 to 29.04.1988	25 days
20.04.1989 to 15.08.1989	117 days

It is also stated that even though he was re-engaged now and then, he had not continuously worked at any time for 240 days as alleged by him. Other allegations with regard to his various averments made in the petition are denied parawise. It is stated that the applicant has not produced the Casual Labour Card and that is the reason that he could not be regularised. Instead of obtaining the Casual Labour Card from the Deptt., he had approached to the Member of Parliament. It is also stated in paragraph no.11 at page 6 of the reply affidavit that as per the own case of the applicant, he was re-engaged as Casual Labour under Sr. D.E.E.(G) and worked there w.e.f.20.04.1989 to 15.08.1989. It is asserted that this engagement to the applicant has been done in case the applicant failed to produce the Casual Labour Card. Therefore, it is clear that he had not produced the Casual Labour Card and there is any amount of doubt on the Card produced by him as Annexure-8 to the application. No juniors were either screened or appointed. The other contentions are denied separately.

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3. Arguments were heard.

4. The point for consideration in this application as whether the petitioner is entitled for the reliefs sought for.

5. Firstly it is seen that the applicant was terminated from the service as long back as 16.08.89 and he came to the Tribunal in the year 1993. Though he submits that his representations were not considered which he filed as annexures, the very fact that he was not in service from 1989 onwards makes it clear that his request now for reinstatement or for regularisation cannot be considered in view of the delay in approaching the Tribunal. Further, it is seen from the counter filed on behalf of respondent nos.1 to 3 that the applicant had not produced the Casual Labour Card and, therefore, he could not be considered for regularisation. The other benefit also is to the effect that as seen from the contention raised in the reply affidavit that there is any amount of doubt with regard to the card shown in annexure-8. The very fact that the applicant has not produced the Card from the Department but he approached another source to produce the Card goes to show that he is not able to produce the Card as required under the rules. Further averments in the counter goes to show that he was re-engaged as Casual Labour under Sr.D.E.E.(J) and worked there w.e.f.20.04.89 to 15.08.89 would go to show that he has not continued his original work in the same cadre and in the same line but he was engaged in different sections. Therefore, it also shows that he has not continuously worked as he now alleges and, therefore, the question of his re-instatement or the back wages would not arise.

6. Therefore, there are no merits in the petition and the petition is accordingly dismissed. No cost.

15/3/94
F.N.
MEMBER (J)

15/3/94
MEMBER (A)