

Open Court

Central Administrative Tribunal,  
Allahabad Bench, Allahabad.

Dated Allahabad, This the 14th Day of February, 2000.

Coram: Hon'ble Mr. S.K.I. Naqvi, J.M.

Original Application No. 711 of 1993.

Distt. Etawah

Pooran Singh  
s/o Shri Ram Sanehi,  
R/O village Sarai Malpura,  
Post Barehar,  
Distt. Etawah.

... Applicant.

(Through Sri Anand Kumar, Adv.)

Versus

1. Union of India through General Manager,  
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern  
Railway Allahabad.
3. The Divisional Engineer (Track)  
Northern Railway, Allahabad.

... Respondents.

(Through Sri A.V. Srivastava, Adv.)

Order (Open Court)

( By Hon'ble Mr. S.K.I. Naqvi, J.M.)

Sri Pooran Singh has moved this original application seeking relief to direct the respondents to reinstate the applicant in service with consequential benefits.

2. As per the applicant's case, he was initially appointed on 14.3.1978 as casual Gangman and worked upto 14.11.1979 continuously under Permanent Way Inspector, Northern Railway, Etawah and thereafter he was re-engaged on 14.4.1980 and worked continuously

*S. Naqvi*

upto 14.5.85 under the control and supervision of the respondents. The applicant has claimed that after putting in more than 120 days work continuously he has acquired temporary status of temporary Railway employees under para 2501(B)(i) of Railway Establishment Manual and became entitled for all the benefits and privileges admissible to the temporary railway employees. The applicant has also mentioned that his name should have been entered in casual Live Register and on his turn he should have been given re-employment but the respondents have failed to engage him. The applicant has also alleged that the juniors to him and those who have put in less working days, have been given appointment but the same has been denied to the applicant for which he made representations but of no avail.

3. The respondents have contested the case and filed counter reply in which the preliminary objection has been raised regarding maintainability of the matter which is said to be grossly barred by limitation of time. It has also been pleaded that the applicant can not now come up seeking benefit because he did not approach at due time for getting his name entered in the Live Casual Labour Register.

4. Heard. Sri Anand Kumar for the applicant. Sri A.V. Srivastava for the respondents.

5. There is no dispute in between the applicant and respondents that the applicant was engaged as casual labour under P.W.I. Etawah where he worked with effect from 14.3.1978 to 14.5.85 in broken spells totalling 1666 days. Only this fact entitles applicant to find his name entered in the Live Casual Labour Register and get engaged at his due turn.

*See next*

6. With above facts, in view, the respondents are directed to consider the appointment of applicant after due formalities and verification in this regard and entering his name in the Live Casual Labour Register retrospectively on the date when he was entitled to the same <sup>if found entitled,</sup> and the employment shall be provided at due turn within three months from the date of communication of this order.

7. The O.A. is decided accordingly with the above observations. No order as to costs.

*Sac v. v. g. v.*

Member (J.)

Nafees.