

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 19th day of Nov. 2001.

CORAM : HON. MR. S. DAYAL, A.M.

HON. MR. RAFIQUDDIN, J.M.

O.A. NO. 787 of 1993.

1. Avtar Singh s/o Sri Anand Singh r/o Village Thapalgaoon,
Patti Das Jula Nagpur, P.O. Kandai, Via Gochar, District
Chamoli, Garhwal..... Applicant.

Counsel for applicant : Sri A.K. Sinha.

Versus

1. Union of India through the General Manager, N. Railway,
New Delhi.
2. Divisional Railway Manager, N. Railway, Allahabad.
..... Respondents.

Counsel for respondents : Sri D.C. Saxena.

ORDER (ORAL)

By Hon. Mr. S. Dayal, A.M.

This application has been filed for direction to respondents to enter the name of the applicant in the Live Casual Register and thereafter screen and regularise the service of the applicant and his juniors with seniority and other consequential benefits.

2. The applicant has claimed that he was engaged as Casual Parcel Porter under Chief Parcel Supervisor, Northern Railway, Allahabad and worked for 373 days upto 19.7.88 with intermittent artificial breaks. The applicant has submitted the working certificate issued by the Chief Parcel Supervisor as Annexure A-I. It is claimed that the applicant was discharged on 27.8.85 as parcel handling was entrusted to Society to leading to discharge of parcel porters. The applicant claims to have made a number of applications between 1.3.86 and 19.4.90. It is claimed that in representation dated 15.3.91 to ADRM-II to mark the cases to ACS(I) on 17.6.91, who in turn marked the case to Chief Parcel Supervisor. In this case we find that the applicant

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entry of
was entitled for his name in Live Casual Labour Register.

3. We heard the arguments of Sri A.K. Sinha, Counsel for applicant and Sri D.C. Saxena, Counsel for respondents.

4. Counsel for applicant has relied on Shish Pal Singh and others 2001 ADJ 153 treating the cause of action for entry in Live Register for Casual Labour of the name of Casual Labour who have worked in the past as continuous.

5. Counsel for the respondents has, however, stated that Annexure-I to the application which is basis of the applicant for work for 173 days is based on a document signed by one Sri Mishri Lal, Chief Parcel Clerk, who has denied that he signed the certificate. He has also stated that the signature is not in his handwriting. The contention of the Counsel for applicant that the certificate was signed by a retired officials should not be relied upon and that the earlier signature was in Hindi while the certificate is in English and therefore, the certificate lacks credibility — ~~and~~ cannot be accepted. Since it is not established that the applicant had worked as casual parcel porter, the claim of the applicant cannot be allowed. The O.A. is dismissed.

No order as to cost.

Deshmukh
J.M.

A.M.
A.M.

Asthana/