

Central Administrative Tribunal

Allahabad Bench, Allahabad.Dated: Allahabad, This The 19th Day of July, 2000.

CORAM:

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

Hon'ble Mr. S. Dayal, Member- A.Original Application No. 904 of 1993.

1. Bansh Raj Singh, S/o Jagat Pal Singh, Resident of Sudanipur, Hanumanganj, Allahabad. worked under Permanent Way Inspector Phaphund, Allahabad.
2. Sita Ram S/o Sukhoo D/o Village Chakia Ghar Ahara Post Sahson, Dist. Allahabad, worked under P.W.I. Allahabad Division Northern Railway.
3. Raj Mani S/o Jhurdo Atari Amiliya Postkurki Kala Meja District, Allahabad worked under P.W.I. Allahabad Division Northern Railway.
4. Amrit Lal S/o Ram Autar 25 Nawaw Yusuf Road, Koral Club, Allahabad, worked under Inspector of Works, Kumbhmela, Allahabad Division, Northern Railway.
5. Anil Kumar S/o Culzar 837 Loco Colony, Allahabad Worked under Inspector of Works (3) Kumbh Mela, Allahabad Division, Northern Railway.
6. Vidya Shankar Mishra S/o Uma Shankar Mishra, R/o Village Nariyawan Post Nariyan, Dist. Deoria worked under permanent way Inspector, Allahabad. Division, Northern Railway.
7. Balram Rai S/o Babulal R/o Village Berui Post Garapur, Dist. Allahabad worked under Permanent Way Inspector Phaphund, Allahabad Division, Northern Railway.

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8. Shesh Mani S/o Shambhu Nath R/o Village Kanatpur, Post Bharai Harakh, Dist. Allahabad worked under Chief Controller, Allahabad Division, Northern Railway.
9. Prem Chandra Pandey R/o 84/2 Tilak Nagar, Bharadwaj Puram, Allahabad worked under Chief Controller, Allahabad Division, Northern Railway.
10. Om Narayan S/o Rajendra Prasad R/o Sarai Inayat Dist. Allahabad worked under Chief Controller, Allahabad Division, Northern Railway.
11. Hari Mangal S/o Sri Chand Kant R/o Atari Amiliya Post Kurki Tehsil Meja, Dist. Allahabad worked under Inspector works/Construction, Northern Railway, Allahabad.
12. Bhagirathi S/o Budul Village Jamunipur, Post Jamunipur, Dist. Allahabad.

. . . Applicants.

Counsel for the Applicants: Sri H.P. Pandey, Adv.

Versus

1. Union of India, through General Manager, Northern Railway N.R. Baroda House, New Delhi.
2. Divisional Railway Manager, Allahabad Division Allahabad.
3. Divisional Superintendent, Engineer, Allahabad Division Northern Railway, Allahabad.
4. Asst. Engineer, Permanent Works Inspector, Allahabad Division, Allahabad.
5. Senior Divisional Operating Manager, Allahabad.

. . . Respondents.

Counsel for the Respondents: Sri A.K. Gaur, Adv.

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(By Hon'ble Mr. S. Dayal, Member-A)

This application has been filed by 12 applicants seeking direction to the respondents to employ them on the post of Khalasi on which they had already worked more than 240 days as their juniors have been appointed with past salaries and other emoluments and benifits. Applicants have also sought direction to the respondents to enter their name in the Live Register claiming that they had made several representations for that perpose.

2. Applicants claimed that thay had worked as Casual Labours under the P.W.I. and I.O.W. in different places and Chief Controller, Allahabad. They claimed that working certificates and casual cards were not issued to them inspite of best efforts. It has also mentioned that the applicants were not allowed to discharge their duties after 05.04.1977. They claimed that Divisional Railway Manager, Allahabad has issued a circular dated 14.05.1985 and directed the Divisional Engineers and Assistant Engineers P.W.I, I.O.W. Allahabad Division to engage casual labours who have already been worked prior to 01.08.1978 as a Substantive Khalasi under I.O.W. and P.W.I. in Allahabad Division. The applicants claimed that their name was not recorded in the Live Register and neither they were called for selection whereas the juniors were called for selection. In the result the juniors were engaged and they have been confirmed and regulrised subsequently.

3. The arguments of Sri H.P.Pandey, learned counsel for the applicants and Sri M.K.Sharma, proxy counsel to Sri A.K. Gaur, learned counsel for the respondents have been heard.

4. The respondents in their counter reply have mentioned that Bansh Raj Singh had worked as Casual Gangman from 24.11.1975 to 31.03.1977 and Sri Bal Ram had worked as Casual Gangman from 04.01.1976 to 31.03.1977. They mentioned that except these two applicants there were no records available with P.W.I. Phaphund or any where else which is under the Control of the Railway Administration. They have also stated that applicants did not submit their applications to the respective P.W.I.S within time. They have categorically stated that applicant Nos.2 to 6 had never worked as alleged in the paragraph under reply.

5. We carefully considered the claim of the applicants and reply given by the respondents. Since the Casual Labour belongs to the lowest category of Railway Employee of the respondents and are not highly educated, it is not possible for them to give detail of their case. In the present case averments have been made by the applicants that they had discharged the duties under P.W.I. and I.O.W. in different places as well as under Chief Controller, Allahabad. Since they have not mentioned the P.W.I.s. and I.O.W.s. under whom they have worked, it is not possible for respondents to verify their claim that they had worked in the past. Since the applicants have claimed that they had worked in the past and can establish this, they can be treated to have earned a right to be offered work of casual nature when it arises in their turn due course to be considered for regularisation based on thier seniority when vacancies arise for induction on work of regular nature in future.

6. In view of the proposition explained above, we direct the respondents to consider the claim of the applicants on their furnishing information regarding their places and days of work within a period of one month from the

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the date of receipt of this order and include their name in the Live Register of Casual Labour and grant them work of Casual nature and regularisation based on their seniority in the Live Register.

No order as to costs.


Member-A.
Vice Chairman.

/Anand/