

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 1117 of 1994

V.B. Tripathi

..... Applicant

Versus

Union of India and Ors

..... Respondents

CORAM:

HON'BLE MR. JUSTICE B.C. SAKSENA, V.C.

HON'BLE MR. S. DAYAL, MEMBER(A)

( By Hon. Mr. Justice B.C. Saxena, V.C. )

We have heard the learned counsel for the applicant. The applicant alleges that he was engaged as a casual labour under the respondents w.e.f. 17.1.77 and he has worked in that capacity for intermittent periods during the <sup>following</sup> years. The applicant's case is that he has acquired temporary status as a railway servant and is entitled to the benefits of that status. The applicant in these circumstances has prayed for the following reliefs;

A direction commanding the respondents to permanently post the applicant by holding screening test and pending the permanent posting the respondents be mandated not to terminate the services of the applicant and digest him all the rights and benefits on account of acquisition of temporary status according to the procedure established by law.

*for*



2. The learned counsel for the applicant conceded that except ~~for~~ threat alleged to have been given by the respondents from time to time for terminating the applicant's services no order for termination of his services has so far been passed. A casual labour who attains temporary status is entitled to absorption against regular vacancies. A seniority list for the purpose is maintained by the respondents. On the material on record it is not clear whether the applicant by reason of his seniority position have become eligible for absorption against the regular vacancy. The relief prayed for is merely anticipatory in nature which cannot be granted. It is needless to observe that as and when an order for termination of the applicant's services is passed by the authorities ~~and~~ <sup>for</sup> the applicant will then alone have a cause of action to challenge the said order. At present no order of termination has been passed. Direction for regularisation of the applicant's services can also not been granted in the absence of material on record to indicate that according to the position in the seniority list the applicant has become eligible for absorption against regular vacancy. The learned counsel for the applicant invited our attention to the ~~xx~~ averment made in para 4.17. In the said paragraph it has stated that the applicant has got to his credit more than 1000 days of work but the employees with lesser days of work have already been screened but the applicant is yet to be screened against the permanent post. The said averment is wholly unspecific and vague. Even if that be so, then the only relief which can be granted to the

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for

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applicant is that the respondents be directed to consider the question of the applicant's absorption against regular vacancy in the light of ~~existing~~ provisions contained in Para 2512 of the Indian Railway Establishment Manual and the other concerned provisions in accordance to the seniority position of the regular post etc. *We direct accordingly*

4. The O.A. is dismissed with the observations and directions made above at admission stage with no order as to costs.

*[Signature]*  
Member (A)

*[Signature]*  
Vice Chairman

Dated: 2nd August, 1994

Uv/