

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 11TH DAY OF SEPTEMBER, 2000

Original Application No.1164 of 1994

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

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

Raja Ram, son of Shri Mohan Lal
R/o house No.107-F Teliarganj
Allahabad.

...Applicant

(By Adv: Shri M.K.Upadhya)

Versus

1. The Union of India through the
Comptroller & Auditor General of India
New Delhi.
2. The Principal Accountant General,
Uttar Pradesh, Allahabad.

... Respondents

(By Adv: Shri Satish Chaturvedi)

O R D E R(Oral)

(By Hon.Mr.S.DAYAL, MEMBER(A))

This application has been filed for a direction to the respondents to include the name of the applicant in the Casual Labour register from 1.4.1980 onwards after declaring the oral order of termination as illegal and void. Another direction also has ^{been sought} ~~sought~~ for engagement of the applicant as Casual Labour by giving priority in preference to his juniors and new comers. The applicant also sought for a further direction to the respondents to consider the applicant for a group 'D' post giving him relaxation in age as per extant instructions.

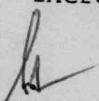
The case of the applicant is that he worked as a Casual worker from 1.4.1980 to 30.6.1993. He was disengaged on 1.7.1993 on the ground that there was no work. He approached the respondents number of times and thereafter got a reply that he would be engaged only if he obtained directions from the Tribunal. He submitted his representation but he has got no reply. He has shown his working days yearwise in this OA.

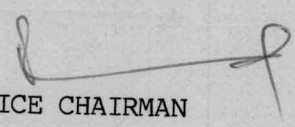
11 The respondents have admitted only partly the claim of the

applicant for having worked in the office of respondent no.2. They have stated that he worked for 293 days from the year 1983 to 1985 and that he left the job on his own accord. He has also relied on a judgement of the Tribunal in OA 656/92 between Vijay Singh Vs. Union of India and Others in which it was held that since the applicant had worked in 1986 the claim was barred by limitation and it was also held that the applicant had not worked for sufficient number of days for being considered for regularisation.

The learned counsel for the applicant relies on the Authority of judgement of this Tribunal in OA 37/91 dated 8.2.1991. The applicants in that case were held entitled to engagement against future vacancies of daily rated casual workers as and when they arose in future. The applicant has also relied on a judgement of this Tribunal in OA 1112/91 between Bajrangi Lal and Others vs. Union of India and Others in which in similar situation the respondents were directed to enter the name of the applicants in the register of casual worker and consider according to their seniority and suitability. There are other similar pronouncements of this Tribunal in OA 449/91 and 530/92 (Annexures A-8 & A9).

The relief claimed by the applicant for inclusion of his name in the casual Labour register from 1.4.1980 onwards cannot be allowed. However, the applicant has a right for inclusion of his name in Casual Labour Register on the basis of number of days of working as admitted by the respondents. We, therefore, direct the respondents to enter the name of the applicant in the Live Casual Labour Register and to give him work of casual nature as and when it arises on the basis of his seniority in the register. There shall be no order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 11.9.2000