

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1384 of 1995

Allahabad this the 23rd day of July, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)
Hon'ble Maj.Gen.K.K. Srivastava, Member (A)

1. Abdul Mazid, aged about 30 years Son of Shri Hamid Bux, resident of 99 Mukaryana, Jhansi.
2. Vinod Kumar aged about 31 years Son of Shri Bhagwan Das, resident of 319, Outside Sainyer Gate, Jhansi.

Applicants

By Advocate Shri R.K. Nigam

Versus

1. Union of India through General Manager, Central Railway, Bombay VT.
2. Divisional Railway Manager, Central Railway, Jhansi.

Respondents

By Advocate Shri Prashant Mathur

O_R_D_E_R (Oral)

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

S/ Shri Abdul Majid and Vinod Kumar have filed this O.A. seeking relief to the effect that the respondents be directed to appoint them in Group 'D' class IVth post. As pleaded from the side of the applicants they worked in between 1988 and 1990 in different spells. Regarding Shri Abdul Mazid, there is mention that he worked for 16 days

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from 19.06.1988 to 04.07.1988 and 118 days in between 06.07.1988 and 31.10.1988. He also worked from 31.07.1989 to 03.10.1989 for 93 days and between 21.06.1990 to 31.10.1990 for 133 days making a total of ³⁶⁰ ~~370~~ days. Regarding Shri Vinod Kumar-applicant no.2 there is claim that he worked for 360 days in between 19.06.1988 to 31.10.1990 in different spells. The applicant also claimed ~~that~~ they were screened in the year 1992, but there is no further progress to give them advantage of these working days by way of service status. Therefore, they have come up seeking relief as above.

2. The respondents have contested the case and it has been fully denied that any of two applicants was ever screened as per process for regularisation. The contention of the applicant for having ^{has been} worked ~~is~~ being admitted upto certain extent with the mention that they were engaged as Water Tightening Casual Labours in different spells-as per periodical sanction by the competent authority. As per respondents, the applicants have no genuine claim to get the relief sought.

3. Heard counsel for the parties and perused the record.

4. There is nothing on record, except mention in the O.A. that the applicants were screened for being regularised. There is complete denial from the side of the respondents that they were ever considered for the screening purpose and, therefore, we find that

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the applicants have no case for any direction to get them appointed outrightly. However, we find that the applicants have admittedly worked for some time in the respondents establishment even upto 1990 in different spells and, therefore, they become entitled to have their names entered in the Live Casual Labour Register and to get consequential benefits at their turn as per rules in this regard.

5. For the above, the O.A. is decided with the following directions;

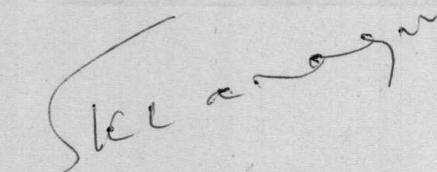
"the competent authority in the respondents establishment is directed to enter the name of the applicants in Live Casual Labour Register, if it is not already there, and to consider their cases for being engaged at their turn and as per rule in this regard. Care be taken to place them at their due seniority. Action taken be also informed to the applicants."

6. There shall be no order as to costs.



Member (A)

|M.M. |



Member (J)