

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH

ALLAHABAD

DATED: THIS THE 4TH DAY OF APRIL 1997

CORAM : Hon'ble Mr. Justice B.C.Saksena VC
Hon'ble Mr. S. Das Gupta AM

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ORIGINAL APPLICATION NO. 247/95

Lal Bahadur son of Ram Das
r/o village Ramsagara, P.O. (Kabirpur)
Nihapur, Tahsil Machhalishahar,
District Jaunpur. - - - - - Applicant

C/A Sri B. R. Yadav

Versus

1. Union of India through its
General Manager, Northern Railway,
New Delhi.
2. Divisional Railway Manager,
Northern Railway, Lucknow
3. Station Master, Bariyaram,
District Allahabad - - - - - Respondents

C/R Sri A. V. Srivastava

ORDER

By Hon'ble Mr. S. Das Gupta AM

This application has been filed seeking quashing
of oral termination order dated 16.2.1994 stated to have
been passed by Station Master, Bariyaram. He has prayed
that respondents be directed to give work to the applicant

W.R.

on the post of Vice-Porter at station Bariyaram.

2. According to the applicant in the O.A., he has worked as Casual Worker on various dates begining from 1.1.1978. He has also claimed that he worked in the last spell from 16.1.1983 to 15.2.1984 as Vice-Porter under the Station Master, Bariyaram and that his services were terminated by the Station Master by an oral order dated 15.2.1994.

3. The respondents have stated in the counter affidavit that due to vagueness of working details in the Casual labour card furnished by the applicant, the statements made by him regarding his working period could not be verified. They have denied that the applicant had ever worked as Porter under order of any competent authority.

4. The applicant has filed rejoinder affidavit annexing a more legible copy of the casual labour card.

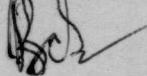
5. The respondents have not denied that the applicant was worked for some time as casual worker. They have only stated that they could not verify the actual period of work. There is no specific denial of the fact that the applicant had actually worked from 16.1.1983 till 15.2.1984.

6. In view of the foregoing, we dispose of this application with a direction to the applicant to produce before the respondents original casual labour card available with him and the respondents thereupon shall verify the working periods mentioned in the casual labour card from their own record and if the claims regarding working period is substantiated, his name shall be entered in the Live casual labour

Register and he shall be reengaged and considered
for regularisation on the basis of his seniority.

determined on the basis of the number of working
days. parties to bear their own costs.


Member (A)


Vice-Chairman

SQI