

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 30TH DAY OF NOVEMBER, 2000

Original Application No.1165 of 1995

CORAM:

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

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

1. Suresh Chandra, son of Ram dev,
R/o Gohdi, Post Basti, District
Gorakhpur.
2. Ramji prasad,son of Vindhya Lal
Vill.Kuamail,Post Maisha
District Gorakhpur.
3. Jhinkan,son of Ram jiyawan,
R/o Vill.Bankatwalala, Post Gohdi
District Basti.
4. Sheikh Mohammad, son of Rajjab Ali
R/o Vill.Bankatwalala,Post Gohdi
District Basti.
5. Majibullah,son of Ayub Mohammad
R/o village Gandsarpar,Post Padariya
District Basti.
6. Gangaram,son of Bindeshwari, r/o village
Bankatwalala. post Padariya.
District Basti.
7. Jhinku, son of Ramvillas,R/o
Village Bankatwalala,Post Gohdi,
District Basti.
8. Sudama,son of Shyamal, r/o village
Gohdi,Post Gohdi, Distt.Basti
9. Ramdaras, son of Bujharat,r/o vill.
Baraipar Basman, Post Gohdi
District Basti.
10. RamKishun,son of Jhagru, r/o village
Gadsarpar, Post Padaria, District Basti.
11. Raghupati,son of Dhanushdhari,
R/o vill.Pherusa, Post Gohdi,
District Basti.
12. Brahmadin,son of Ramdaras,r/o village
Gadsarpar,Post Padariya,district
Basti.
13. Akhileshwar Pandey,son of Rajaram Pandey
R/o Vill.Utrauliya,Post Pakhuapar(Via
Maghar)District Basti.
14. Gulab Chandra,son of Radheyshyam,R/o village
Byara,Post Maghar,Distt.Basti
15. Kapil Dev,son of Kishori,r/o village
Bela,post Jagatbela,District Gorakhpur.
16. Chavilal,son of Manohar,r/o village
Kurmail,Post Maisha district Gorakhpur.

...Applicants

(By Adv: Shri Satyajeet Mukherji)

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Versus

1. Union of India, through General manager
North Eastern Railway
Gorakhpur.
2. Chief Works Manager(Bridge)
North Eastern Railway,
Gorakhpur.

... Respondents

(By Adv: Shri Prashant Mathur)

O R D E R(Oral)

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

This application u/s 19 of A.T.Act 1985 has been filed by 16 applicants jointly for a direction to the respondents to reinstate the applicants and regularise the services of the applicants on the basis of their seniority in the Unit.

Another prayer has also been made not to give any employment to the casual labourers of other units and to take work from the present applicants and screen the applicants and absorb them if found suitable.

The case of the applicants is that they worked as casual labourers on various dates in years starting from 1975 to 1985 and applicants 1 to 16 claimed to have worked for 268days, 721days, 293days, 499days, 184days, 182days, 312days, 142 days, 183days, 261days, 739days, 1158days, 142days, 671days and 545days respectively. In period mentioned above they were not given any work after the period of work shown by them in their certificates and casual labour cards between 1975 to 1985. They claimed to have attained the temporary status and seek absorption on the ground that persons junior to them have been absorbed.

We have heard the arguments of Shri Satyajeet Mukherji for the applicants and Shri Prashant Mathur for the respondents.

In the written statement the respondents have taken the stand that the applicants were not included in supplementary casual labour register because they did not submit applications in terms of Railway Board's letter dated 4.3.1987. The learned counsel also mentioned that Live Register for Casual labour was started in 1987 pursuant to the judgement of Apex Court in the case of 'Indrapal Yadav'. The respondents have denied that the applicants after period of their work ever sought work with the respondents or made any application for the purpose. They also denied that the applicants were senior to the persons named by them.

The respondents are charged with the responsibility under Industrial Law of ^{the} country to maintain a list of persons who worked with them and who have represented owing to the work coming to an end and offer them work whenever fresh opportunities arise. This has admittedly not been done by the respondents in this case. The respondents have adopted the practice of entering the ^{names} ~~roles~~ of casual labour in Live Register and removing their names from the casual labour Live Register in case the applicants do not accept the offer the work of casual labour on two occasions. The applicants in this case are not entitled to the relief ^{of reinstatement which} they have claimed because of the bar of limitation but they are certainly entitled to be included in the Live Register for Casual labour and ^{offer} the work of Casual nature and other benefits after inclusion of their name in the Live Register as per the Extant Instructions of the Railway board.

The respondents are, therefore, directed to consider the claim of the applicants for entering their names in Live Casual Labour Register within a period of six months from the date of furnishing a copy of this order alongwith their representation showing the period of their work. The application is disposed of accordingly. No order as to costs.

Dated: 30.11.2000

MEMBER(A)

VICE CHAIRMAN