

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 17th day of July, 2001.

Original Application No.367 of 1999.

CORAM :-

Hon'ble Mr. SKI Naqvi, J.M.

Vishnu Dayal S/o Mithai Lal,  
Resident of Vill-Dandupur,  
P.O.-Cyst Nagar,  
District-Varanasi.

(Sri RK Asthana, Advocate)

..... .Applicant

Versus

1. Union of India through the General Manager,  
North Eastern Railway, Baaroda House,  
New Delhi.
2. Divisional Rail Manager, Allahabad.
3. Divisional Engineer, Allahabad Division,  
Allahabad.

(Sri Prashant Mathur, Advocate)

..... .Respondents

O R D E R (O\_r\_a\_1)

By Hon'ble Mr. SKI Naqvi, J.M.

Sri Vishnu Dayal, the applicant, seeks direction to the respondents to re-engage the applicant in pursuance of the working of the applicant against the vacancy lying vacant in the department and to place the applicant above his juniors.

2. As per applicant he was engaged as casual labour <sup>and banked up to 14.6.1981</sup> on 03-12-1977 in different spells. Casual Labour Live Card No.6504 was issued to him. He finds his name entered in the Live Casual Labour Register at Serial No.156. The main grievance of the applicant is that inspite of his name being in the Live Casual Labour Register, his juniors have been engaged ignoring his claim.

3. The respondents have contested the case, filed counter reply with the mention that the name of the

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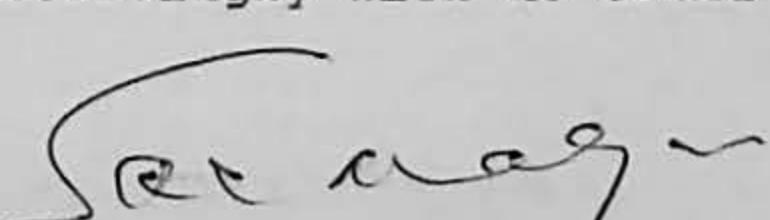
applicant has been entered in Live Casual Labour Register at Serial No.158 and not at Serial No.156 and it has been clarified that no junior to the applicant has been engaged. Plea of limitation has also been raised.

4. Heard learned counsel for the parties and perused the record.

5. In paragraph no.18 of the counter affidavit, the respondents have mentioned that the name of the applicant is already borne on the Live Casual Labour Register, which is the basis for regularisation/absorption in the department and as such the candidature of the applicant for regularisation/absorption will be considered as per his turn.

6. With the above position in view there remains a very short controversy. The applicant has a claim for being considered to be engaged and regularised. The respondents do not deny the same but with the mention that the applicant will be considered <sup>at</sup> on his turn and, therefore, the OA is decided as under.

7. The competent authority in the respondents' establishment to take care that the case of the applicant is taken up for re-engagement and regularisation at his turn and no junior is preferred against him. In case some junior has already been engaged, the applicant be placed in accordance with his seniority, when he is regularised as per rules. The OA is decided accordingly with no order as to costs.

  
Member (J)

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