

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 10th day of Dec. 2001.

QUORUM : HON. MR. RAFIQUDDIN, J.M.

M.A.3078/OI in O.A. NO.711 of 1999.

1. Prabhu s/o Chhedi Lal r/o 146-C/406, Malak Raj, Rambagh,
Allahabad..... Applicant.

Counsel for applicant : Sri U.P. Singh.

Versus

1. Union of India through Secretary, Ministry of Railway,
New Delhi.
2. The Chairman, Railway Board, Govt. of India, New Delhi.
3. Divisional Railway Manager, N.E.R., Varanasi.
4. Executive Engineer (works), N.E.R., Allahabad City.
5. Executive Engineer (works), N.E.R., Varanasi.
6. Sri Uma Shankar Bhattacharya s/o Sri Hari Nanjan Bhattacharya
r/o Rambagh Railway Colony, Allahabad.
7. Sri Sarvdeo Yadav s/o Sri Musafir r/o Rambagh Railway
Colony, Allahabad.
8. Babban s/o Sri Gangadeen r/o Village Kara, Tehsil Sirathu,
District Allahabad.
9. Mahadei s/o Mangru r/o Mohalla Malakraj, Rambagh, Allahabad
10. Phoolchand s/o Sri Chunnilal r/o Mohalla Malakraj,
Rambagh, Allahabad.
11. Gulab s/o Sri Chhote Lal r/o Rambagh Railway Colony,
Allahabad.
12. Hanif (After appointment left the service).
13. Mewa Lal s/o Sri Raghu r/o Rambagh Railway Colony,
Allahabad.

All the 7 to 14 are working as Safaiwala in I.W.,
North Eastern Railway, Allahabad... Respondents.

Counsel for respondents : Sri A.K. Gaur.

ORDER (ORAL)

BY HON. MR. RAFIQUDDIN, J.M.

The applicant Prabhu s/o Chhedi Lal has filed
this O.A. for directing the respondents to appoint him on

the post of Sweeper in the Railway Department and extend the benefits of regularisation as has been done in respect of other 8000 casual labourers in the month of Dec.1997.

2. In brief, the case of the applicant is that he worked as casual labour at Madho Singh Railway Station intermittently for 149 days as per certificate issued by the Works Inspector, N.E.R., Madho Singh annexed as A-I. The applicant further states that he had also worked as Sweeper at Allahabad City Railway Station, N.E.R. for a period of 167 days from 1.8.76 to 26.1.77 intermittently vide certificate issued by Executive Engineer (works), N.E.R. Allahabad (Annexure-IV). The applicant belongs to reserved category(SC).

3. The grievance of the applicant is that from the news item published in the newspaper from Varanasi on 10.9.98, the applicant came to know that all the casual labourers/daily wagers, who were working under the N.E.R. have since been regularised and about 8000 daily wage labourers have been regularised in the month of Dec.1997. However, the applicant has been left out from being appointed and hence he filed the present O.A.

4. The respondents have denied the claim of the applicant. The case of the respondents is that applicant has worked only for 167 days during the period from 1.8.76 to 26.1.77 in broken spell. It is further stated that only those employees who have worked upto 30.4.96 were considered for regularisation in the year 1996-97. Since the applicant had worked for a very short period of days, the question of his regularisation does not arise.

5. I have heard the counsels for the parties.

6. It may be stated at the outset that the respondents have not denied the claim of the applicant of 149 working days in broken spell during the period from 22.9.75 to 30.7.76 as indicated in the certificate (Annexure A-I) issued by the Works Inspector, Madho Singh. The respondents have, however, admitted the claim of the applicant for having worked

on 176 days during the period 1.8.76 to 26.1.77 in broken spell. It is, however, not clear whether the name of the applicant was entered in the live casual labour register maintained by the respondents. It is obvious that the applicant had worked for more than 120 days as casual labour and hence his name should have been registered in the live casual labour register.

7. Under the facts and circumstances, the O.A. is disposed of with a direction to the respondents to take necessary steps for entering the name of the applicant in the live casual labour register in case his name has not yet been entered in the register, and grant him all consequential benefits on his turn.

There shall be no order as to costs.

Parvinder
J.M.

Asthana/