

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

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

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

O.A. No.1106 of 2000.

1. Suresh Chand s/o Sri Gayadin a/a 40 years r/o Village -
banamai, Post Bharthana, Dist. Etawah... ... Applicant.
Counsel for applicant : Sri O.P. Gupta.

Versus

1. Assistant Engineer office of Chief P.W.I., Etawah.
2. General Manager, Northern Railway, Baroda House, New Delhi.
3. Union of India through Secretary, Ministry of Railway,
Govt. of India, New Delhi... ... Respondents.

Counsel for respondents : Sri A.K. Gaur.

ORDER (ORAL)

BY HON. MR. RAFIQUDDIN, J.M.

The applicant Suresh Chand s/o Sri Gayadin has filed this O.A. seeking directions to the respondents to enter his name in Live Casual Labour Register and to provide him suitable job in the railway department and also to grant him temporary status and to consider his case for regular absorption on group 'D' post as and when vacancy arises to the post.

2. The applicant claims that he had worked as Gangman under Assistant Engineer under PWI, Etawah, Northern Railway during the period from 1976 to 1979 for 831 days. The applicant was not given duty after April 1979. The applicant states that he has submitted several representations to the railway authorities to provide him duties but the respondents did not consider his request. The applicant received a letter dated 28.8.98 from the office of General Manager, Northern Railway, New Delhi in which the applicant was asked to submit the attested copies of his casual labour card and working certificate. In response to this letter, the applicant vide registered letter dated 8.10.98 submitted the required documents to the respondent No.2 but the

applicant did not receive any reply hence he has filed this O.A. seeking aforesaid relief.

3. The respondents have denied the claim of the applicant. The case of the respondent is that the applicant in fact, left the work on 14.4.79 and had also not completed 120 days continuously to qualify for C.P.C. scale. It is, however, admitted that the applicant had worked as Casual Labour Gangman during the period from 1976 to 1979 in broken spells. Since he did not work for 120 days continuously, he failed to get C.P.C. scale.

4. I have heard Sri O.P. Gupta, for applicant and Sri A.K. Gaur for respondents.

5. It may be stated at the outset that respondents have not questioned the genuineness of the working days certificate (Annexure A-I) issued by the Chief P.W.I, Etawah in which the applicant has been shown to ^{have R} worked for 831 days within three years. It is also seen that the applicant had worked for 194 days during 1976, 183 days in 1977 and 356 days continuous ~~service~~ in 1978. The applicant, had, therefore become entitled for entering his name in the Live Casual Labour Register in terms of Indian Railway Establishment Manual Vol.II, Chapter 20 which provides that those casual labourers, who have worked for 120 days service without break will be treated as temporary and will be given temporary status on completion of 120 days of continuous service and such casual labourers, who have been granted temporary status is entitled for 1/30th of the minimum of the appropriate scale of pay plus dearness allowance.

6. The respondents, in their C.A., have not stated regarding grant of temporary status or entering the name of the applicant in the casual labour register, which was ^{being} ~~introduced~~ ~~prescribed~~ on the direction of the Apex Court in the Inder Pal Yadav case.

7. Considering the facts and circumstances of the

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case, the O.A. is disposed of with the directions to the respondents to take necessary steps to enter the name of the applicant in the casual labour register within the period of three months from the date of communication of this order and provide all consequential benefits on his turn.

There shall be no order as to costs.

Ramnath
J.M.

Asthana/