

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 1549 OF 02  
WEDNESDAY, THIS THE 8TH DAY OF JANUARY, 2003

HON. MRS. MEERA CHHIBBER, MEMBER(J)

Wahid Ali,  
s/o Rasheed Ali,  
r/o Matiamau,  
Tehsil Akbarpur,  
P.O. Burwaha  
Dist:- Kanpur Dehat. ....Applicant

(By Advocate:- Shri K.K.Tripathi)

Versus

1. The Union of India, through General Manager,  
Northern Railway Baroda House, New Delhi.
2. The Divisional Railway Manager,  
Northern Allahabad
3. The Assistant Bridge Engineer, Northern  
Railway, Allahabad. ....Respondents.

(By Advocate:- Shri. A.K.Gaur)

O R D E R

HON. MRS. MEERA CHHIBBER, MEMBER(J)

The applicant has filed this O.A seeking a direction to the respondents to comply with the letter dated 5-7-2001 within<sup>a</sup> specific period as may be fixed by the Hon'ble Tribunal. The letter dated 5-7-2001 (page 11) shows that applicant's name has been registered at page 12 Sl. No. 68 and he had also been informed that whenever there is a need of casual labour or recruitment he would be considered in accordance with his seniority. The applicant had submitted that initially by O.A No. 1182/92, which was decided vide order dated 27.4.2000 (page 15), and <sup>1</sup> <sup>2</sup> the respondents were directed to include the name of the applicant in Live Labour Casual Register within a period of three months from the date of furnishing





//2//

of the copy of the order and he would be entitled to work as Casual Labour in his turn according to his seniority as per rules. The applicant's counsel has submitted that applicant is already 52 years of age and till date he has not been given the work. ~~it will~~ Though it is a big organisation and there is no dearth of work, therefore, he can always be accommodated and given appointment.

2. Counsel for the respondents has opposed the O.A on the ground that no fresh cause of action has arisen and in favour of applicant to file the present O.A, in as much as the direction given in the first O.A were duly complied with and applicant's name has already been put in the Casual Live Register at Sl. No. 68 and he was also informed that whenever there is need of Casual Labour <sup>would also be</sup> ~~his name/~~ considered for same in accordance with his seniority. It is submitted by the respondents counsel that applicant has not made any averment in the O.A to show that all the seniors above him had already been engaged or any person junior to him in the Casual Labour Register has been engaged. Therefore, the present O.A is not maintainable and is liable to be dismissed at admission stage itself.

3. I have heard both the counsel and perused the pleadings.

4. It is seen that in the first O.A also, which is numbered as 1182/92, the applicant had sought a direction to the respondents to appoint him as Casual Labour on the basis of Judgment of Principal Bench dated 23-5-1988. After discussing the merits of the case, the






//3//

Tribunal was pleased to give direction to the respondents only to include his name in the Casual Labour Live Register and that he would be entitled to work as Casual Labour as per his turn according to his seniority. These directions have been fully complied with by the respondents and since there is no averment made by the applicant in the entire O.A that his turn has come for being engaged as a Casual Labour or any person junior to him has been engaged, <sup>therefore B</sup> **no case has been made out for interference.**

5. I do not think the present O.A is maintainable. Therefore, the O.A is dismissed being devoid of merit.

  
Member (J)

Madhu/