

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ALLAHABAD THIS THE 22nd DAY OF May 2006

ORIGINAL APPLICATION NO. 312 OF 2002

HON'BLE MR. K. B. S. RAJAN, MEMBER-J

HON'BLE MR. B. N. SENIOR, MEMBER-J *My*

1. Vishwanath Singh Yadav,
Son of Sri Satya Dev,
Resident of village-Raipur,
Bagpur, Post Office-Marada,
District: Gazipur.
2. Feku son of Sri Raj Dev,
Resident of village-Tenduly,
P.O.-Paligarh, District-Mau.
3. Kailash Yadav,
son of Sri Satya Dev Yadav,
Resident of Village-Tenduly, P.O.Paligarh,
District-Mau.
4. Kamla Singh Yadav,
Alias Muresh SnghYadav,
Son of Sri Puranmasi Singh Yadav,
Resident of Village-Shiswar,
P.O.-Burhanpur, District-Gazipur.
5. Rajendra Singh yadav,
Son of Sri Ram Narayan Singh Yadav,
Resident of Village-Bahatura,
P.O.-Gaien, District-Gazipur.
6. Dashrat Singh Yadav,
Son of Sri Shiv Mangal Singh Yadav,
Resident of village-Koor,
Post Office-Nakkhatpur,
District-Gazipur.

..... Applicants

By Applicant: Shri R.K. Pandey

Versus

1. Union of India,
through the General Manager,
N.E. Railway, Gorakhpur.
2. Chief Personal Officer N.E. Railway,

Gorakhpur.

3. Divisional Railway Manager,
N.E. Railway, Varanasi.
4. Senior Divisional Personal Officer,
N.E. Railway, Varanasi.

..... Respondents

By Advocate: Shri K. P. Singh

ORDER

By K.B.S. RAJAN, MEMBER-J

The written arguments submitted by the Respondents to a greater extent avoid debate. Para 2 thereof read as under:-

"In the year 1998 the proposal of administration was under consideration for preparation of Panel of casual labour in Medical Department and as per proposal the notification was issued on 09.02.1988. As per the notification the eligible applicants were sent to the accounts department for verification on 21.04.1989.

2. The order dated 21-04-1989 was referred to in Annexure III of the OA wherein the name of the applicants figured in. The contentions of the applicant vide para 9 of the Rejoinder, extracted below is thus correct:-

"It is submitted that as per Annexure No. 3, verification list dated 21-04-1989 itself proves that the applicants have worked in the department and their names approved in the casual live register...."

3. It may be true that in 1989 there would have been a stage whereby proposal to regularize the

casual labourers would have been kept in abeyance in view of dieselization of the Railways, which would have entailed a large number of surplus regular labourers. But what is to be seen is whether thereafter there was any step to have the services of the casual labourers regularized. Answer to the same is given by the applicants by referring to circular dated 03-09-1996 relating to regularization of as many as 56,000 casual labourers. In fact, a number of subsequent communications from the Railway Board provide for regularization of casual labourers registered in the live casual labour register and according to the applicant, their names should also be there.

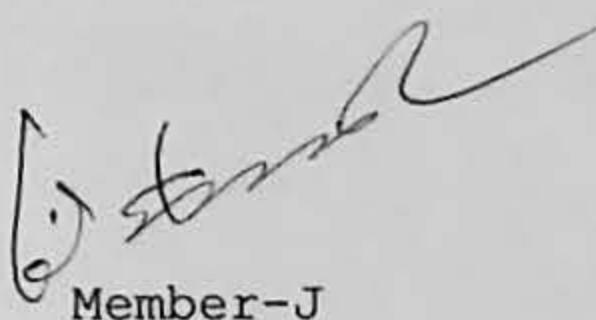
4. Taking into account all such facts, it is evident that the applicants were entitled to be registered in the live casual labour register and that in accordance with the rules, they are eligible to be considered for regularization. If all the particulars relating to the seniority position are available with the Railways on the basis of the same, further action should be taken for regularization (again in accordance with the Rules). As the applicants have approached the Tribunal as early as 1996, in case they are over-aged, age relaxation by competent authority shall also be considered and granted. In case of any deficiency in the requisite information to work out the turn for regularization, the applicants shall be called



by the office of the Senior Divisional Personnel Officer (Respondent No. 4) to obtain further information. Regularization shall not be denied for want of any minor information.

5. The OA, thus, succeeds. Respondents are directed to undertake the exercise of regularization of the applicants in accordance with rules and in their respective turn. Information about the likely date by which the regularization might materialize shall be informed to the applicants. Meantime, as the applicants are not in the engagement as on date, in the event of availability of work, they shall be engaged for casual labour work at the earliest opportunity.

No cost.



Member-J

/ns/