

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 371 of 2002

Dated: This the 23rd day of September, 2004

HON'BLE MRS. MEERA CHHIBBER, MEMBER- (J)

1. Baba Deen son Jagannath, resident of Village South Ketwa, Jamunipur, Allahabad.
2. Ram Jiyawan S/o Ram Autar, R/o Village Malkhanpur, P.O. Hanumanganj, District Allahabad.
3. Ram Bahadur son of Raghbir R/o village Malkhanpur, P.O. Hanumanganj, District Allahabad.
4. Uai Raj S/o Raghbir Resident of village Malkhanpur, P.O. Hanumanganj, District Allahabad
5. Shiv Meorat son of Jaggo, Resident of Village Malkhanpur, P.O. Hanumanganj District Allahabad.
6. Ram Naresh son of Gokul R/o Vill. Malkhanpur, P.O. Hanumanganj District Allahabad.
7. Brij Lal son of Ram Das Resident of village Jamunipur P.O. Jamunipur, District Allahabad, Allahabad Division Northern Railway, Allahabad.
8. Samar Bahadur Singh Son of Raj Karan Singh R/o 81-A, Purfate Mohammad Sahalam Post Naini, District Allahabad.
9. Uma Shanker son of M Kamta Presad Resident of vill. Rampur, P.O. Hanumanganj, Allahabad.
10. Baij Nath son of Ram Swaroop Resident of vill. Malkhanpur, P.O. Hanumanganj, District Allahabad.
11. Preetam son of Hardayal Resident of Village Malkhanpur, P.O. Hanumanganj, District Allahabad.
12. Radhey Shyam son of Shiv Bhajan Resident of Village Malkhanpur, P.O. Hanumanganj, District Allahabad.

.... Applicants.

By Adv. : Shri H.P. Pandey

Versus

B

....page 2/-

: 2 :

1. Union of India through General Manager Northern Railway Baroda House, New Delhi.
2. Divisional Rail Manager, Allahabad Division, Northern Railway,
3. Divisional Personnel Officer, Allahabad Division, Northern Railway, Allahabad.
4. Divisional Engineer (Engineering) Allahabad. Division Northern Railway, Allahabad.

..... Respondents.

By Adv.: Shri A.K.Pandey

O R D E R

By Hon'ble Mrs. Meera Chhibber, J.M.

By this O.A. applicants, numbering in twelve, have challenged the order dated 08.05.2001 whereby applicants were informed that the screening of casual labours is done Divisionwise so that after screening of empanelled persons may be regularised against the vacancies available in the division. Screening cannot be done unitwise and they are engaged on the principle of 'Last come first go'. They were further informed that at present about 900 employees are waiting for adjustment on account of medical de-categorisation or compassionate appointment. Moreover, there are about 4000 casual labours, who have more working days than the applicants, who are not yet working, therefore, presently there is no work available for casual labours nor regular vacancies are available, which may be filled from casual labours. They have further sought direction to the respondent no.1 to decide their appeal dated 20.8.2001 and direction to the General Manager to consider the re-engagement of applicants and regularization

in pursuance of the judgments dated 01.11.1993 and 18.1.2001.

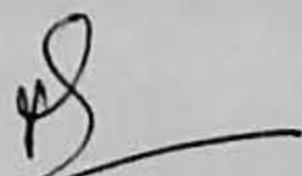
2. It is submitted by the applicant's counsel that they had earlier approached this Tribunal by filing O.A.No.439/1992, which was decided by the Tribunal on 11.01.1993 with the direction to the respondents to include their names in Casual Labour Live Register and to consider their names for re-employment, if any, person junior to applicants, was engaged. Their names were accordingly entered in the Casual Labour Live Register. They have now filed the present O.A. seeking re-engagement and regularisation.

3. Respondents have categorically stated in the impugned order that there are no vacancy available against which applicants can be regularised nor there is any work available against which casual labours can be re-engaged. They have further stated that there are number of persons already waiting for their appointment, who were either medical de-categorisation or on the ground of compassionate appointment and number of casual labours, who have more number of working days than applicants, are also staying without any work.

4. In this view of the matter, naturally we cannot give any direction to the respondents to either ^{re}engage the applicants or to regularise their services because once their names have been entered into Casual Labour Live Register, they have to wait for their turn and can be considered for re-engagement or regularisation only subject to availability of work of casual nature or regular vacancies that too after the list of all those persons, who are above them in Casual Labour Live Register is exhausted. As on date applicants have not been able to show that any persons, junior to them has

been regularised, therefore, their cause of action would arise only, if any, person junior to them in the Casual Labour Live Register, is regularised. Applicants' counsel submitted that they do not even know their position in the Casual Labour Live Register. Therefore, in these circumstances we do not find any merit in the O.A. The same is accordingly rejected. However, it goes without saying that whenever vacancies arise~~g~~ in future and respondents decide to regularise the casual labours, applicants shall also be considered as per their turn maintained in the Casual Labour Live Register in accordance with instructions and Rules prevalent at that time as per their turn. Respondents are ~~also~~ ^{however} directed to inform the applicants about their placement in the Casual Labour Live Register.

5. With the above direction this O.A. is disposed off with no order as to costs.



Member (J)

Brijesh/-