

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH**

Original Application No. 906 of 2002

....., this the 29th day of August, 2006

C O R A M :

HON'BLE MR. K B S RAJAN, JUDICIAL MEMBER

Vishwanath,
Son of Shri Budhai,
R/o. Village Sadikpur,
Post Office – Fatehpur Atwa,
District Ghazipur.

... Applicant.

(By Advocate Mr. R.K. Pandey)

versus

1. Union of India through
The General Manager,
N.E. Railway,
Gorakhpur.
2. Divisional Railway Manager,
N.E. Railway, Varanasi.
3. Chief Medical Superintendent,
Divisional Hospital,
N.E. Railway, Varanasi. ... Respondents.

(By Advocate Mr. K.P. Singh)

ORDER
HON'BLE MR. K B S RAJAN, JUDICIAL MEMBER

The applicant has claimed regularization on the basis of his having,
according to him, worked as a casual labourer from 14-01-1982 to 28-01-1982

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during Kumbh Mela at Allahabad, followed by his further services upto 28-11-1982 in the medical department at Varanasi. The period of service as claimed by the applicant has been denied by the respondents as they have no documents with them in regard to the applicant's engagement during Kumbh Mela and that the Inspector's report did not confirm the further engagement as claimed.

2. Brief Facts as contained in the OA are as under:-

- (a) That the applicant was initially engaged during Kumbh Mela for the period from 14-01-1982 to 8-02-1982 as a Safaiwala and in this regard certificate was issued vide Annexure I.
- (b) Subsequently in the same capacity he was engaged for further periods upto 28-11-1982 at various places, under Respondent No. 3. He was also issued with a Casual Labour Card.
- (c) According to him, he had worked for 319 days and his name figures in the live casual labour register maintained by the Medical department but he did not know the seniority number.
- (d) According to para 1515 of the Indian Railway Manual Vol. I, on completion of 120 days of service a casual labourer becomes entitled to temporary status followed by regularization. In 1990 when screening for such regularization took place, the applicant also applied for the same, vide Annexure A-3. However, after the screening, in the select list, the names of the applicant and some others were absent. Some such individuals approached the Tribunal (for eg., OA No. 382/1998- Shiva Prasad and others vs

Union of India and others). This OA was decided on 28-10-1999 directing the respondents to make available a copy of the live casual labour register to the said applicant. The applicant on his part in respect of his regularization penned a letter dated 10-12-2001 in accordance with the directions issued by the Tribunal in his OA No. 1287/2001 but the respondents by the imugned order rejected the claim. Hence this O.A.

3. The respondents have contested the OA and their version is as under:-

- (a) The application is hopelessly time barred.
- (b) There is no record to verify the period if any, as to the engagement of the applicant as safaiwala during Kumbh Mela in 1982. Inquiry conducted also confirms that the applicant did not serve at Gazipur during 1982. The certificate furnished by the applicant neither contained the name of the issuing authority nor was it found attested by a gazetted officer. In other words, the certificate was thoroughly incomplete. Though the applicant had given an application for screening, he had not furnished the supporting documents to substantiate his claim.

4. Arguments were heard and written arguments were also submitted. The applicant contends that the inspection report is thoroughly wrong as the same spells that inquiries were made at Gazipur, whereas the applicant was working only at Varanasi and according to the applicant, it was to avoid consideration of his case that the inquiry report has been so made.

5. Respondents have stated in the written argument that there is absolutely no merit in the case and no concrete proof has been given by the applicant in

connection with the number of days of service he had rendered as a casual labour.

6. The case has been considered. The claim of the applicant as to his working as casual labourer in 1982 was informed to the respondents only in 1990 and according to the respondents, no substantiating document has been attached to it. After 1990, it is in 1999 that the applicant seems to have approached the respondents. As there was no proper response, the applicant moved OA 1247/2001 which was disposed of at the very admission stage (without considering merit) giving liberty to the applicant to submit a representation. The applicant had accordingly applied and it was in reply to the same that the impugned order has been passed.

7. For verification the respondents would certainly need necessary documents. Though the copy of the letter dated 11/11/2001 for screening reflects that casual labour card was annexed thereto, the applicant did not produce the photocopy along with his application or thereafter. In the absence of any proof it cannot be possible for the Respondents to take further action. When the applicant had applied for screening and thereafter, his name was not found in the select list, the applicant ought to have approached the authorities and in the absence of any satisfactory reply from them the applicant ought to have approached the Tribunal. He has miserably failed to do so. As such, limitation stares at his face. It would have been possible to condone the delay in case the applicant could prove his case by producing the requisite documents to support

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his claim. True, the Inspector's report is also not free from mistakes, inasmuch as when the applicant had in his communication mentioned that he was serving at Varanasi, the Inspector in his report stated that there is no evidence to show that the applicant was engaged at Gazipur. But the same does not in any way mean that the applicant's version that he worked at Varanasi should be accepted.

8. The OA is therefore, dismissed both on account of delay and on merit.

No cost.



K B S RAJAN
JUDICIAL MEMBER