

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Original Application No. 1272 of 2003

Allahabad this the 24th day of September, 2004

Hon'ble Mr. A.K. Bhatnagar, Member (J)

1. Abdul Hakeem Son of Abdul Aziz, Resident of 131/16, Begum Purwa, Kanpur Nagar, U.P.
2. Chuuni Lal, Son of Banwari Lal, Resident of Chakeri, Air Force, Deviganj, Kanpur Nagar.
3. Ashok Kumar Son of Ram Asrey, R/o D-112, Viswa Bank Colony, Barra, Kanpur.
4. Rakesh Kumar Son of Mohan Lal R/o 154 Sanjai Nagar Colony, Machhariya Road, Naubasta, Kanpur.
5. Chandra Prakash Son of Panni Lal, 216, Lukerganj, Allahabad.
6. Roop Narayan, Son of Mangu Ram 137/453, Babu Purwa, District Kanpur.
7. Mohd. Safdar, S/o Late Jayar Husein, 726, Daria Bad Pathan Balli, Allahabad.

Applicants

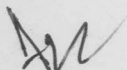
By Advocate Shri H.P. Pandey

Versus

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. D.R.M., Northern Railway, Lucknow.
3. D.R.M. Northern Railway, Allahabad.

Respondents

By Advocates Shri A.K. Pandey



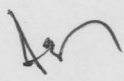
ORDER { Oral }**By Hon'ble Mr. A.K. Bhatnagar, Member(J)**

By this O.A. applicant has prayed for a direction to respondents to send the names of the applicants for regularisation and re-engagement in pursuance of the Railway Board's Circular dated 08.09.1996, with a further prayer to direct the respondents to engage the applicants since juniors to them having less working days, have already been engaged in the Rail Administration.

2. The brief facts of the case, as per the applicants, are that they were engaged in the respondents' establishment under the reserved quota of S.C. community and they worked in different spells as casual labour. Their names were recorded in the Live Casual Labour Register after verification of their working in different department of railways in the Allahabad division, as shown vide annexure-1, 1A, 1B, 1C, 1D and 1E.

3. The main grievance of the applicants is that the respondents have ignored the claim of the applicants for engaging them though their names were recorded in the Live Casual Labour Register and accordingly forwarded for their absorption in the Lucknow division as Safaiwala by considering their working period, but they were not absorbed and sent back after appointing only a few candidates by the department in pursuance of the General Manager's letter dated 11.03.1997. They represented against the action of the respondents through their Union-Sangharsh Morcha (annexureA-10) but no action has been taken on representation, hence they filed this O.A.

4. Heard learned counsel for the parties and perused the pleadings on record.

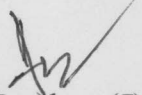


5. Learned counsel for the applicants submitted that juniors of the applicants have already been engaged hence the case of applicants may also be considered in pursuance of the order passed by this Tribunal in O.A. No.1423/00 on 08.12.2000(annexureA-14). Learned counsel for the applicants further submitted that the action of respondents in not re-engaging the applicants is discriminatory and violative of principle of natural justice.

6. Learned counsel for the respondents filed counter affidavit and submitted that letter annexed as annexureA-5 of the O.A., was received from Lucknow division for filling up the vacancies of Safaiwala in that division, in pursuance of which names were forwarded by the Allahabad division for considering them in the selection process. It was informed by the letter dated 08.06.1998(annexureA-6) that in Lucknow division all the vacancies of Safaiwala are filled up and there was no vacancy left for appointing any of the applicants. Learned counsel further submits that casual labours whose names are already in Live Casual Labour Register, shall be re-engaged on their turn as and when vacancy would arise in future, under intimation to the applicants. Learned counsel, however, refuted the allegation of the applicants that any junior to the applicants has been appointed ignoring the claim of the applicants. Learned counsel further submitted that the names of the applicants no.1, 4, 5 and 6 do not appear in the Live Casual Labour Register so they have lost their right to be considered for re-engagement. The answering respondents were not responsible for re-engagement of the applicants in Lucknow division but so far as the re-engagement of the applicants in Allahabad division is concerned, they shall be intimated and re-engaged as per extant rules, as and when their turns come.

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7. In view of the submissions made by the counsel and on perusal of the pleadings on record, I find that the applicants have got no case on merits. The O.A. is accordingly dismissed. However, as the respondents have mentioned in their counter-affidavit that they will consider the applicants whose names are mentioned in the Live Casual Labour Register, it is directed to the respondents to consider the case of the applicants for re-engagement and regularisation as and when their turn comes. No order as to costs.


Member (J)

/M.M./