

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~XXXXXXXXXX~~AHMEDABAD BENCHO.A. No. 17 OF 1988  
~~To Do~~DATE OF DECISION 4/4/95Shri Valjibhai Laljibhai Rabari, PetitionerShri B.B.Gogia Advocate for the Petitioner(s)

Versus

Union of India and others RespondentShri B.R.Kyada. Advocate for the Respondent(s)

## CORAM :

The Hon'ble Mr. M.M.Singh : Administrative Member

The Hon'ble Mr. S.Santhana Krishnan : Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

Shri Valji Laljibhai Rabari,  
Rafaleshwar,  
Morbi Talkua,  
Rajkot District.

...Applicant.

Versus

1. Union of India  
Owning and Representing  
Western Railway,  
Through,  
General Manager,  
Western Railway,  
Churchgate,  
Bombay - 400 020.
2. Divisional Railway Manager,  
Western Railway,  
Kothi Compound,  
Rajkot.

...Respondents.

JUDGMENT

O.A. No.17 of 1988

Date :

Per : Hon'ble Mr.S.Santhana Krishnan : Judicial Member


The applicant has come forward with this application to direct the respondents to permit him to discharge the duties and draw his salary, treat him to be in continuous service from 26.10.1963 on the ground that he was recruited and engaged as a casual labourer on daily wage on 26.6.1975 and that he continued his services upto 26.10.1983. The applicant's claim that since 1983, he was not permitted to continue his duties and that he had more than four months of continuous service, he should be given relief claimed in the application namely to continue him in service from 26.10.1983 and allow him to draw his salary and also to decide his seniority.

2. The respondents has not chosen to file any written reply.
3. Heard Mr.B.B.Gogia and Mr.B.R.Kyada, learned advocates for the applicant and the respondents.

4. The applicant claims in his application that he was working as a casual labourer continuously from 26.6.1975, to 26.3.1980. The burden is on the applicant to establish that he was in continuous service for more than 220 days to claim the status of a casual labourer. Though the applicant claims that he was in continuous service for over 8 years he failed to produce either the service record or job card or any pay bill to show that he was working under the respondents. The applicant produced a certificate along with the application. But the applicant has not even stated in the application, the name and the designation of the person who gave the certificate. Mr.B.R. Kyada, learned counsel for the respondent s rightly points out that he is not able to find out even the name of the officer from whom the certificate is and hence he is not in a position to file any reply statement. The certificate relied upon by the applicant stated that the applicant worked as a casual labourer on daily wages from 26.6.1975 to 26.10.1983 in broken spell for 473 days. The name of the officer is not decipherable from the signature which is a mere scroll. This is not even alleged in the application. Even this certificate show that the applicant never worked for eight years continuously as claimed by him in his application. Further it does not state that the applicant worked in any one spell for over 120 days. The applicant has also not chosen to file the affidavit of the concerned officer to

show that the applicant worked in any spell for over 120 days. Unless the applicant established that he had worked continuously for over four months he cannot claim that he is a casual labourer entitled to claim a status as alleged. As the applicant failed to establish that he had worked continuously for four months, he cannot claim any temporary status. It follows that the applicant is not entitled to any relief in this application, and accordingly the application fails and is dismissed. No order as to costs.

  
(S. Santhana Krishnan)  
Judicial Member

  
(M.M. Singh)  
Administrative Member