

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. NO. 248/90

~~RECKNO.~~

DATE OF DECISION 14/9/1994

Shri Durairaj Kadirvel,

Petitioner

Mr. Y. V. Shah

Advocate for the Petitioner (s)

Versus

Union of India & Ors.

Respondent

Mr. B. R. Kyada

Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. N. B. Patel

: Vice Chairman

The Hon'ble Mr. V. Radhakrishnan

: Member (A)

JUDGMENT

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

No.

Shri Durairaj Kadirvel,
C/o.PW I(C)
Western Railway,
Rajkot.

: Applicant

(Advocate: Mr.Y.V.Shah)

Versus

1. Union of India, through
the General Manager,
Western Railway,
Churchgate, Bombay.
2. Divisional Railway Manager (E)
Western Railway,
Rajkot.
3. Chief Engineer (C),
Western Railway, 2nd Floor,
Station Building,
Ahmedabad.
4. Permanent Way Inspector (C)
Western Railway,
Rajkot.

: Respondents

(Advocate: Mr.B.R.Kyada)

ORAL ORDER

in

O.A.248/90

Date: 14/9/94

Per: Hon'ble Mr.N.B.Patel

: Vice Chairman

Mr.Kyada states that if the applicant makes an application or sends a copy of the present O.A. to the appropriate authority for inclusion of his name in the list of Ex-Casual Labourers of VOP Project, the competent authority will verify from the record whether the claim of the applicant that he is an Ex-Casual Labourer is correct and as to how many number of days of work had been put in by the applicant. Mr.Kyada states that if the name of the applicant is found to be there already on the seniority list of Ex-Casual Labourer, and if it is further found that any of his juniors is already engaged, the Department will engage the applicant against the next vacancy arising for employing casual labourer. He further states that

if the name of the applicant is not found to have been included in the list of casual labourers and if the claim of the applicant to be an Ex-Casual Labourer is found to be genuine, the name of the applicant will be interpolated in the seniority list of Ex-casual labourers at appropriate rank. It is further stated by Mr.Kyada that if it is found that any person junior to the applicant, on the basis of interpolation of his name, is re-engaged, the applicant will be re-engaged against the immediately next vacancy arising for employment of casual labourer. On behalf of the applicant, Mr.Shah states that if the applicant's name is there on the list or it is included in the list and he is given benefit of absorption as mentioned above, the applicant will be satisfied. In the circumstances, this O.A. is disposed of with the following directions:-

- (1) A copy of the present O.A. with the copy of the employment card of the applicant (Annexure A -1) may be sent as a part of this order to the DRM(E) Rajkot within two weeks hereof.
- (2) The DRM(E) Rajkot, is directed to process the application of the applicant and to ascertain whether the name of the applicant is already there on the seniority list of Ex-Casual labourers and if he finds that his name ~~on the~~ ^{is not} said list, he is further directed to include the name of the applicant, on being satisfied about the genuiness of his claim to be an Ex-Casual Labourer, at appropriate serial number on the seniority list, bearing in mind the number of working days for which the applicant might have

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worked as a casual labourer in the past.

(3) If the name of the applicant is found to be already there on the seniority list and if it is further found that any person, who had put in less number of working days than the applicant, has been re-engaged as casual labourers, the DRM(E) is directed to re-engage the applicant against the next vacancy required to be filled up by engaging any casual labourer. If the name of the applicant is interpolated in the list as directed above, and if it is found that some person, junior to the applicant with reference to the ranking of the applicant, is engaged as a casual labourer after 6.12.1993, the DRM(E) Rajkot is directed to re-engage the applicant as a casual labourer, against the next vacancy that may be filled up by engaging a casual labourer, as per prevalent schemes.

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(V.Radhakrishnan)
Member (A)

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(N.B.Patel)
Vice Chairman

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