

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. 355/93

~~**T.A.NO.**~~

DATE OF DECISION 06/12/1996

Bharatbhai Bhaktiram Kandas Agravat Petitioner

Mr. M. M. Xavier

Advocate for the Petitioner [s]

Versus

Union of India & Ors.

Respondent

Mr. R. M. Vin.

Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. V. Radhakrishnan

: Member (A)

The Hon'ble Mr.

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 ?

Bharatbhai Bhaktiram Kandas Agravat,
C/o.Sureshbhai Bhaktiram,
'Suresh Pan House',
Near Main Gate,
Nava Bandar, Bhavnagar.

: Applicant

(Advocate: Mr.M.M.Xavier)

Versus

1. The Chairman,
Railway Board,
Rail Bhavan,
New Delhi.
2. Union of India Owning &
Representing Western Railway
Through its General Manager,
Western Railway, Churchgate,
Bombay.
3. The Division 1 Railway Manager,
Western Railway, Bhavnagar Div.
Bhavnagar Para.
4. The Chief Permanent way Inspector
Western Railway,
Bhavnagar Division, Bhavnagar Para,
5. The Carriage & Wagon Superintendent
Western Railway,
Bhavnagar Terminus. : Respondents

(Advocate:Mr.R.M.Vin)

ORAL ORDER

O.A. 355/93

Date:6.12.1996

Per: Hon'ble Mr.V.Radhakrishnan : Member (A)


The case has been taken up for hearing at the request of Mr.Xavier and with the consent of Mr.Vin. We have heard both the learned counsels.

2. The applicant in the above mentioned O.A. was casual labour who had worked under the control of D.R.M., Bhavnagar for different periods of time. The main grievance of the applicant is that his name has not been placed in the Live Register maintained by the respondents. The applicant has^a annexed copy of certificate issued by his superior authorities in

in support of his having worked as casual labour. His main relief is regarding placing his name in the Live Register as per rules and to give proper seniority and subsequently to give reemployment to him in his turn. After the application is filed Mr. Xavier, the learned counsel for the applicant stated that the applicant was prepared to forego his seniority in the Live Register and is prepared to be placed at the bottom of the Register and on that basis delay in filing the application was condoned and the application was admitted.

3. Mr. Xavier states that at present the recruitment of casual labourers is going on and if the case of the applicant is not considered, he may lose his right of the appointment. He is prepared to persuade the applicant to put forward his case along with whatsoever documents that may be available with him, so that the respondents can then verify his claim and take necessary action to place him in the Live Register at bottom seniority. Accordingly, the applicant is directed to produce the necessary documents through his advocate Mr. Xavier to the D.R.M. or his representative on a date to be given by the D.R.M. and after taking into account the evidence produced by him, the respondents are directed to examine the case with reference to the records available with them i.e., casual labourers Register and/or original paid voucher maintained by them as per Sub Rule (v) of Note 2, Rule 2001 of I.R.E.M. Vol. II, 1990 Edition. Incidentally Mr. Xavier for the applicant states that in fact such a verification with reference to the paid vouchers had been made by the respondents in 1994 for reengaging some casual labourers and that too with original dates of

engagement as far back as 1961. After completing the above exercise if the claim of the applicant is proved to be genuine his name shall be placed at the bottom of the Live Register and he shall be reengaged as per his turn by the respondents. In case the application is rejected the respondents shall pass a suitable speaking order. The above exercise shall be completed by the respondents within 45 days from the date of receipt of a copy of this order. In case the decision of the D.R.M. is against of the applicant, he will be at liberty to revive the O.A. if so advised. With the above directions, the above O.A. stands disposed of. No order as to costs.


(V. Radhakrishnan)
Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH.

Application No. 24/355/93

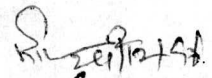
Transfer Application No. —

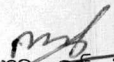
CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided)

Dated : 24/12/96

Countersign :


Section Officer.


Signature of the Dealing
Assistant

