

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 115 of 1992.

DATE OF DECISION 9-3-1993

Dakshin Railway Casual Labour  
Union (Regd No. 96-Kerala) Edapally  
North, Cochin-24 rep. by its Applicant (s)  
General Secretary, Mr CP Menon  
and another

M/s CP Menon (Authorised Agent) Advocate for the Applicant (s)

Versus  
The Union of India rep. by  
the General Manager, Southern Respondent (s)  
Railway, Madras and another.

Mr MC Cherian Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. AV Haridasan, Judicial Member  
and

The Hon'ble Mr. R Rangarajan, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Y*
2. To be referred to the Reporter or not ? *no*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *Y*
4. To be circulated to all Benches of the Tribunal ? *no*

## JUDGEMENT

Shri AV Haridasan, J.M

The 2nd applicant is an Ex-Casual Mazdoor and the 1st applicant is Dakshin Railway Casual Labour Union representing by its General Secretary, Shri CP Menon. The applicants allege that the 2nd applicant was engaged as a casual labourer from 15.6.83 to 17.8.84, LTI No. 190. Their grievance is that he has not been given the scale rate of wages and that in spite of work being available, he is not being considered for re-engagement and regular absorption in service. The applicants pray that the respondents may be directed to grant temporary status to the 2nd applicant with effect from 12.6.84 and to absorb him in service with effect from 31.12.84 with attendant benefits.

2 Respondents content that though the name of the second applicant appears in the Live Register of casual labourer at Sl.No.502 as on 1.1.90, he could not be re-engaged for the reason that there are several other casual labourers with more length of service remaining without being engaged <sup>for want of work.</sup> The respondents, however, <sup>second</sup> stated that the applicant would be considered for reengagement ~~and~~, absorption and regularisation in due course according to his seniority in the Live Register. <sup>have</sup> They <sup>also</sup> stated that grant of temporary status and disbursement of difference in wages, if any, due to the applicant would be considered when the 2nd applicant produces his casual labour card. Since the respondents have admitted that the second applicant has got 426 days of casual service to his credit and as the respondents have ~~not~~ been in a position to decide his position in the Live Register of casual labourer, it <sup>not</sup> should be difficult for the respondents to determine the date on which the applicants became eligible for grant of temporary status for which a direction to produce casual labour card is not necessary.

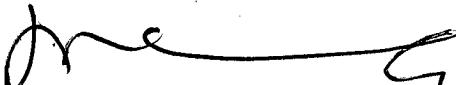
3 In the conspectus of facts and circumstances and in the light of the admitted pleadings, we are of the view that the interest of justice would be met if the application is disposed of with direction to the respondents to determine the date on which the applicant attained temporary status to disburse to him the arrears of wages, if any, due to him on conferment of temporary status and to consider him for reengagement and absorption according to his turn.

4 In the result, the application is disposed of with direction to the respondents to determine the date on which the 2nd applicant became eligible for temporary

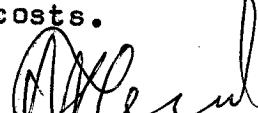
M

status, to disburse to him the arrears of difference in wages, if any, due to him within a period of two months from the date of communication of this order and also to consider the applicant for re-engagement and absorption in his turn on the basis of his seniority in casual service. The respondents are also directed to inform the applicant his position in the Live Register and the prospects of his getting re-engagement within the above said period of two months.

5 There will be no order as to costs.



(R Rangarajan)  
Administrative Member



(AV Haridasan)  
Judicial Member

9-3-1993