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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH.

Lucknow this the twenty eighth day of 1995.

O.A.No;147 of 1991

HON'BLE MR. V.K. SETH - A.M.

HON'BLE MR. D-C. VARMA - J.M.

Khanjan Lal,  
aged about 32 years,  
son of Sri Gung,  
Resident of village Niranjan Purwa,  
Post Beniganj,  
District : Hardoi

... Petitioner

By Advocate: Sri A.K. Dikshit

VERSUS

1.Union of India,  
through General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.

2.Divisional Rail Manager,  
Northern Railway,  
Estate Entry Road,  
New Delhi.

3.Assistant Engineer,  
Northern Railway,  
Shanti,  
District: Meerut.

4.Permanent Way Inspector,  
Barot N. Rly,  
District Meerut

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Respondents

By Advocate: Sri B.K. Shukla.

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ORDER ( ORAL )

HON'BLE MR° V.K. SETH, MEMBER (A)

We have gone through the records of the case and also considered the submissions made by the learned counsel for the two sides.

2. By means of this O.A . the applicant has prayed for directions to respondents to treat him as a regular Class Iv employee and let him continue on the said post with benefit of back wages and

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promotion etc. from the date he had completed 120 days continuous service or in the alternative directions to engage him in furtherance of orders dated 17-4-1990.

3. The applicant worked as casual labour <sup>for</sup> till some broken periods in 1977, 1983, and lastly from 21-8-186 to 16-5-1986 under P.W.I., Baraut of Northern Railway.

4. The essential fact ~~is~~ that during his last period of engagement as casual labour the applicant completed a period of more than 120 days is not in dispute. However, the main dispute centres round whether the applicant was dis-engaged by the respondents or he absented himself of his own accord after the various periods of engagement in 1977, 1983 and 1987. From the records filed before us it is not possible to conclusively decide either way. Nevertheless, the fact remains that the applicant vide Annexure A-2 dated 25-7-1987 had addressed the Railway Minister in the matter.

5. Taking all the aspects of the case into consideration we find that the applicant has not been able to make out a convincing case for grant of the first relief prayed for, i.e. his prayer for regularisation in Class IV. Nevertheless, considering that the applicant served as a casual labour and had completed 120 days in the year 1987 when he was last engaged, in the interest of equity and justice we are of the considered view that his second prayer regarding his re-engagement deserves to be considered sympathetically.

We accordingly order as is already assured by the respondents in their Counter Affidavit that the applicant shall be informed and engaged in the next available vacancy of a casual labour and his name may continue to be kept in the Live Register of casual labours.

The O.A. is disposed of as above with no order as to costs.

  
MEMBER (J)

HK  
MEMBER (A)

Lucknow Dated August 28, 1995

K.N.Misra