

**Central Administrative Tribunal, Lucknow Bench, Lucknow.**

**M.P. No. 2312/2007 in Dy. No. 2300/2007**

This the 23rd day of July, 2008

**Hon'ble Shri A.K.Gaur, Member (J)**  
**Hon'ble Dr. A.K.Mishra, Member (A)**

1. Vidhya Sagar son of Nand Lal aged abot 35 years resident of Loco Running Shed Colony, Alambagh, Lucknow.
2. Sunil Kumar son of Sri Y.L. Lal aged abot 42 years resident of 518, Canal Colony, Lucknow.
3. Ram Bhuwal Yadav son of Sri R.D. Yadav, aged about 34 years resident of RMS Colony, Northern Railway, Varanasi.

Applicant

By Advocate: B.K. Yadav

**Versus**

1. Union of India through General Northern Railway, Railway Head Office, Baroda House, New Delhi.
2. Divisional Railway Manager, Northrn Railway, Divisional Officer, Hazratganj, Lucknow.

Respondents

By Advocate: Sri N.K.Agrawal.

**ORDER (ORAL)**

**By Hon'ble Sri A.K. Gaur, Member (J)**

The applicants have filed the present O.A. against the order dated 26.9.2006 passed by the O.P. No. 2 by which the claim of the applicants have been rejected.


2. The applicants have placed reliance on letter dated 21.5.2003, wherein it is clearly and specifically mentioned that casual labouers who have worked upto 31.5.2003 for a period of 120 days, should furnish their biodata along with necessary testimonials and proof of working in order to seek regularisation on group D post.. Learned counsel for the applicant also submitted that apart from this condition, there is another condition that the substitutes and casual labourers, who have worked for more than 120 days and whose names were available in the Supplementary Casual Labour Live Register, were also entitled to be considered for regularization.

3. Having heard the counsel for the parties, we are fully convinced that the regularization is not a mode of recruitment as has been held in *Secretary, State of Karnataka and others Vs. Uma Devi (3) and others (2006) 4 SCC 1.*

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4. The competent authority, while disposing of the representation of the applicants have clearly mentioned that the documents annexed by them are wholly illegible. No such documents were ever issued by the office of the respondents. The Railway Board Circular clearly indicates that the name of the casual labour who has not worked in the Railway in preceding two calendar years, his name should be struck off from the casual labour live register. In the judgment rendered by Tribunal reported in 2000, (3) ATJ 1, it is clearly held that the Railway Board Circular dated 25.4.1981 and 28.7.1981 which provides for placements of names of casual labour on the live casual labour register do not give a continuous cause of action. Merely placement of the name on the casual labour live register will not give any good ground for claiming relief of regularization after an inordinate delay. The applicant has prayed for quashing order dated 26.9.2006, and also for seeking regularization of Group 'D' post. The applicants have allegedly worked at various railway stations in the past and after such a long lapse of time, it was not practically possible for the respondents to verify the authenticity of the document. In view of the Railway Board Circular, all such documents were to be weeded out after a lapse of 10 years. The applicants were duly informed by the competent authority that their names <sup>does</sup> not figure either in the casual labour live register or in supplementary live register. The applicants have also not worked as casual labour/substitute till 21.5.2005. We have carefully considered the order dated 28.9.2006 passed by the competent authority on the representation of the applicants and, we are fully satisfied that the applicants have utterly failed to make out any case, warranting interference with the order dated 28.9.2006.

5. In our considered view, there is no merits in the O.A. and the O.A. is dismissed. No order as to costs.

  
(Dr. A. K. Mishra)  
Member (A)

  
(A. K. Gaur)  
Member (J)