

Central Administrative Tribunal Lucknow Bench Lucknow.

O.A. 326/2007  
This, the 3rd day of August 2007

Hon'ble Mr. N. D. Dayal, Member (A)

1. Mahendra Kumar Singh aged about 31 years,  
Son of Sri Ram Lakhan, Resident of H-3/558,  
Avas Vikas Colony, Sitapur Road, Lucknow.
2. Rajan Kumar Gaund, aged about 29 years,  
Son of Sri Ram Dularey, Resident of 16-C, Badshah Nagar,  
Railway Colony, Lucknow.
3. Gautam Ji, aged about 29 years,  
Son of Sri K.B.Lal, resident of 538/K/141,  
Triveni Nagar, Lucknow.
4. Varun Kumar Banerjee, aged about 27 years,  
Son of Sri P.K. Banerjee, Resident of 38-E-1, Badshah Nagar,  
Railway Colony, Lucknow.
5. Samita Srivastava,  
Daughter of Sri Yoges Kumar, Resident of A-1242,  
Indira Nagar, Lucknow.
6. Vibha Srivastava, aged about 26 years,  
Daughter of Sri Arun Kumar Srivastava,  
Resident of 538/K/384-B, Triveni Nagar, Lucknow.

Applicants.

By Advocate Shri Raj Singh.

Versus

1. Union of India through General Manager,  
North -Eastern Railway, Gorakhpur.
2. The Chief Medical Director,  
North Eastern Railway, Gorakhpur.
3. The Divisional Railway Manager,  
North-Eastern Railway, Ashok Marg, Lucknow
4. Chief Medical Superintendent,  
North Eastern Railway Hospital,  
Badshahnagar, Lucknow.

Respondents.

By Advocate Shri Azmal Khan.

Order (Oral)

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By Hon'ble Mr. N.D. Dayal Member(A)

M.P. joining together is allowed and before issue of certified copy, the registry may allot a number to this file.

2. The applicants were working as FAG (Volunteers) for over many years from time to time but they were not given temporary status nor they have been regularized inspite of their long association with and assistance to the Field Action Group. They were aggrieved by the speaking order at Annexure A-1 which the respondents have issued in compliance with the judgment of the Tribunal in O.A. 188/2005 and 157/2005 rejecting their prayer for temporary status and regularization stating that they had worked only a few days such as 2 days 1995-96, 2 days 1996-97, 2 days 1997-98 2 days, 1998-99 2 days etc. and lastly 8 days in 2004-2005 without honorarium and the certificates they have are only of appreciation of service. Besides, they were volunteers and did not have continuous service.

3. The learned counsel for the respondents states that the Tribunal has already considered such cases in the past and by a decision in O.A. No. 160/2005 decided on 15.7.2005 in the case of similarly situated person, the O.A. was dismissed as not maintainable. It is further submitted that in terms of the judgment of Hon'ble Supreme Court in the case of Umadevi Versus Secretary, State of Karnataka, 2006 (4) SCC, there is no legal right to a person who is engaged on temporary, casual, ad hoc or contract basis who can be disengaged when work is no longer required. Learned counsel for the applicant submits that the Apex Court has in the same judgment acknowledged engagement as casual labor to

be a form of employment. The applicant therefore, states that if he makes a representation for engagement as a casual labor, the respondents may consider the same if some work is available. No specific direction is required for this purpose by the Tribunal and the O.A. is dismissed without costs. However, it is open to the applicant to make such representation which may be considered on receipt.



(N.D. Dayal)  
Member (A)

v.