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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

LUCKNOW

O.A. No. 183/90

Lucknow this the 14th day of August, 2000.

HON. MR. D.C.VERMA, MEMBER(J)

HON. MR. A.K. MISRA, MEMBER(A)

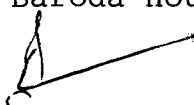
1. Chinna aged about 31 years son of Shri Hansa, village Tirwa, Post Kachhona, District Hardoi. (Since dead)
2. Ram Bharosey, aged about 40 years son of Sri Salik Ram, village Purwa, Post Barwa District Hardoi. (Since dead)
3. Ram Prasad aged about 36 years, son of Shri Tikai, Village Tirwa, Post Baghauli, District Hardoi.
4. Ram Bhajan aged about 33 years son of Sri Gayadin, Village Khuddi, Post Pachkhora, Distt. Hardoi.
5. Rais Ahmad aged about 31 years son of Sri Nanhey, village & Post Khajurahara, District Hardoi.
6. Subedar aged about 32 years son of Sri Gokul Village Tirwa, Post Bhagauli, District Hardoi.
7. Munna aged about 27 years son of Sri Bacchu, Village Gadanpur, Post Baghauli, District Hardoi.
8. Mahadeo aged about 32 years son of Sri Behari, village Paharpur, Post Baghauli, Distt. Hardoi.
9. Ram Chandra aged about 37 years son of Sri Champa, village Paharpur, Post Baghauli, Distt. Hardoi.
10. Bodh Lal aged about 36 years son of Sri Lachhaman, village Tirwa Post Baghauli, District Hardoi.
11. Laltoo aged about 38 years son of Sri Har Sahaya, village Paharpur, Post baghauli, Distt. Hardoi.
12. Chhotey Lal aged about 33 years son of Sri Mohkam, village Khatore, Post Tondali, Distt. Hardoi.

Applicants.

None for applicant.

versus

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



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2. Divisional Rail Manager, Northern Railway, Moradabad.
3. Assistant Engineer, Northern Railway, Hardoi.
4. Inspector of Works, Northern Railway, Hardoi.
5. Assistant Engineer, Northern Railway, Sitapur.
6. Gajraj son of Rambha Village Dheer Maholia, Post and District Hardoi.
7. Ram Lal son of Bholai, Village Hindukhera, Post Kachhona, District Hardoi.
8. Sia Ram son of Fattey, village Benipurwa Post and Distt. Hardoi.
9. Kashi Ram son of Jhunni, village Tirwa, Post Baghauli, District Hardoi.
10. Chinna son of Bhikhha, Posted as Khalasi under Inspector of Works Balamau, Distt. Hardoi.
11. Sripal son of Balwant Villae Gauripur, Post Lonar Distt. Hardoi.
12. Prahlad son of Gajodhar, Posted as Khalasi under Inspector of works, N. Rly. Shahjahanpur.
13. Chandrika, son of Ram Prasad Posted as Khalasi under Permanent Way Inspector, N. Rly. Shahjahanpur.
14. Shamsher son of Bachha, posted as Khallasi, Under Inspector of Works, N. Rly. Hardoi.
15. Narain son of Badlu, resident of Banipurwa, post and District Hardoi.

Respondents.

By Advocate Shri A. Trivedi, B.H. for Shri A.K. Chaturvedi.

O R D E R

BY D.C. VERMA, MEMBER(J)

12 applicants of this O.A. have prayed for engagement/regularisation as Khalasi/Mason etc. and have also prayed for being placed at proper place in the seniority list.

2. The brief facts of the case are that the applicants claim to have^{been} engaged as casual labour by




Inspector of Works (in short I.O.W.) Hardoi for various periods mentioned in para 4.1 of the O.A. All the applicants claim to have worked in different periods between the year 1971 and 1986 in broken periods. Earlier the applicants filed O.A. No. 1109/87 for inclusion of their names in the live register. The said O.A. was decided vide order dated 25.11.88. Now, the present O.A. has been filed for the relief mentioned/ⁱⁿ the earlier paragraph.

3. The respondents' case is that the applicant's names were included in the Live Casual Labour register maintained in the office of Assistant Engineer Hardoi as they were to be engaged subject to availability of vacancy. The working period of different applicants have been given by the respondents in their reply which differs from the working period mentioned by the applicant in the O.A. Considering the working period available in the records of the respondents, the applicants' names have been kept at the proper place in the seniority list. The respondents' case further is that the seniority of casual labourers working under one A.E.N. zone cannot be compared with the seniority of the casual labourers maintained by the A.E.N. of the other Division.

4. Vide M.P. No. 1429/2000 it was submitted on behalf of applicants that applicant Nos. 1 and 2 have died. This M.P. was moved on 28.6.2000 for time to move substitution application. No substitution application was moved. Case in respect of applicant No. 1 and 2 therefore abates.

5. In the absence of learned counsel for the applicant, we have gone through the pleadings on record and have heard the learned counsel for the respondents at great length. From the records we find that the applicants have not filed any document in support of their claim of working period. The



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respondents have, however, admitted the working but not the working period. Para 4 of the objection filed by respondents is as below:

"It is stated that the names of the applicants have been entered in the Live Register of casual labours maintained in the office of Assistant Engineer, Hardoi and engagements on regular basis will be provided to the applicants strictly in accordance with their seniority as maintained in the Live Register indicated above subject to availability of the regular vacancies."

5. As the applicants have failed to produce any document to establish that they have worked for the period claimed by them, the applicant's claim cannot be accepted. The period of working of applicants given by the respondents is as per the records of the Department and the same is to be accepted. The placings of the applicants in the seniority list is as per the working period maintained by the respondents and so it cannot be changed.

6. As per applicants' claim, some persons junior to the applicants have been regularised and engaged. Their names have been given in the O.A but it shows that the alleged juniors have been working under different IOWs or PWIs, consequently, the seniority of casual labourers of different IOWs cannot be compared.

7. The respondents have emphatically denied that the private respondents from serial Nos. 6 to 15 were given any engagement on regular basis under IOW Hardoi or Assistant Engineer Hardoi.

8. I.O.W. Shahjahanpur is under the Assistant Engineer Shahjahanpur where a different Live Casual labour register is maintained. As per availability of the vacancy and as per list maintained by A.E.N. Shahjahanpur, casual labourers are engaged and



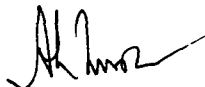
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regularised. The P.W.I. Balamau and IOW Balamau, according to the respondents, fall under the Assistant Engineer Sitapur.

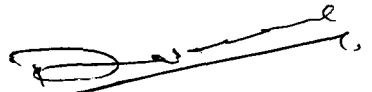
9. In respect of Girraj and Ramlal respondents No. 6 and 7 respectively, they are Mason and none of the applicants are trained as Mason. Consequently, none of the applicants can claim for engagement as Mason. Further, the working period of Shamsher the respondent No. 14, according to the respondents, is 1076 and not 115 and consequently, Shamsher is not junior to the applicants.

10. In view of the discussions made above, the claim of the applicants for seniority is not made out. It is also not established that the respondents have not followed seniority list. Consequently, the O.A. is liable to be dismissed and is dismissed.

Costs easy.



MEMBER(A)



MEMBER(J)

Lucknow; Dated: 14.8.2000 .

Shakeel/