

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH
O.A. 290/91

Lucknow this the 26th day of Oct., 99
HON. MR. D.C. VERMA, MEMBER(J)
HON. MR. A.K. MISRA, MEMBER(A)

1. Radhey Shyam aged about 36 years son of Shri Vasdeo Shukla, resident of Gram Sarbadi Post Pursaha District Bahraich.
2. Chiman Prasad aged about 28 years son of Sri Daya Ram resident of village Kudrah, Post Begumganj, Gonda.
3. Ram Cheley Bharti, aged about 29 years, son of Sri Ram Tirath, resident of village Chutauni, Post Bangai, District Gonda.
4. Ram Bhagat, aged about 28 years son of Sri Lalan Prasad, resident of village Jalalpur, Post Pursaha, District Bahraich.
5. Bharat Prasad, aged about 31 years, son of Jyotihs Prasad, resident of village Buna Post Katarahan District Siddarth Nagar.
6. Arun Kumar Singh, son of Sri Jagdish Singh, resident of Railway Station Sitapur.

Applicants.

Shri J.P. Mathur for applicant.

versus

1. Union of India through Secretary, Ministry of Railways, New Delhi.
2. D.R.M. (Commercial), N.E.R. Lucknow.

Respondents.

For respondents Shri Rakesh Srivastava.

O R D E R (ORAL)

By D.C. VERMA, MEMBER(J)

By this O.A., 5 applicants have claimed that they be granted temporary status and the respondents be directed to treat the applicants in service w.e.f. the date of their oral termination.

As per the facts contained in the O.A., the applicants were engaged as casual labourers on various dates since 198⁵ till 1990 with breaks.

2. The respondents have contested the claim of the applicants and submitted that as per Railway Board Circular only those candidates who had worked prior to 31.12.80 were liable to be engaged as and

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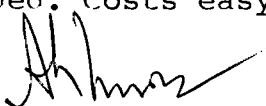
when the work was available. After 31.12.80, no casual appointment was to be made without prior approval of the General Manager. As per records there is nothing to show that prior approval of the General Manager was obtained to engage the applicants. The submission of the learned counsel for the ^{respondent} ~~applicant~~ is that the engagement of the applicants was irregular. However, as per recital made in para 7 the applicants have been given temporary status and therefore, the names ^{of the applicants} have been included in the list maintained by the respondents. Thus, the first relief of the applicants for grant of temporary status has now become infructuous as the same has been granted by the respondents themselves.

3. As regards the termination by oral order, no ground is shown that oral order of termination is not valid. It is not a denying fact that the casual workers are engaged only as per exigency of service or availability of work as and when it is required. Sometimes, a casual labourer is engaged in the morning and disengaged in the evening and some other times, they are engaged weekly, ~~and~~ No appointment letter or termination order is issued/served as the same is not required under any rules. In view thereof, we uphold the oral order of termination.

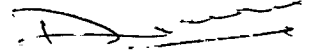
4. The other relief claimed in the O.A. is that the applicant be engaged and given duty. On this point, the case of the applicant is that as there is no work available, the applicants have not been engaged. ~~A~~ Rejoinder to the Counter Affidavit ~~is not~~ ^{of} by the respondents has not been filed by the applicants. Consequently, the recitals made in the Counter Affidavit of the respondents remain ^{unsubstantiated} ~~unchallenged~~, Therefore, we have to accept

that no junior to the applicants has been engaged. The applicants themselves have not alleged such facts.

5. In view of the discussions made above, and in the light of our finding the O.A. is accordingly decided. Costs easy.



MEMBER(A)



MEMBER(J)

Lucknow; Dated: 26.10.99

Shakeel/