

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 549/2000

DATE OF DECISION: 14/06/2001

Shri Uttam Panaji Salve- 12/2001

Applicant.

Shri K.R.Yelwe

-----Advocate for
Applicant.

Versus

Union of India & 2 Ors.

-----Respondents.

Shri S.C.Dhawan

-----Advocate for
Respondents.

Coram:

Hon'ble Smt. Shanta Shastri, Member(A).

1. To be referred to the Reporter or not? /
2. Whether it needs to be circulated to other Benches of the Tribunal? /
3. Library. ✓

Shanta Shastri
(SHANTA SHASTRY)
MEMBER(A)

abp

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:549/2000
DATED THE 14TH DAY OF JUNE,2001

CORAM:HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)

Shri Uttam Panaji Salve,
At Post-Pantambe,
Near Railway Filter,
Tal.Kopargaon,
Dist.Ahmednagar.

... Applicant

By Advocate Shri K.R.Yelwe

V/s.

1. Union of India through
The Secretary to the Government
of India,
Ministry of Railways,
Railway Bhawan,
New Delhi.

2. The General Manager,
Central Railway,
Central H.Q.,
C.S.T. Mumbai - 400 001.

3. The Divisonal Railway Manager(P)
Belapur Division,
Central Railway,
Belapur.

... Respondents

By Advocate Shri S.C.Dhawan

(ORAL)(ORDER)

Per Smt.Shanta Shastry, Member(A)

Heard Shri K.R.Yelwe for applicant and Shri S.C.Dhawan for the Respondents. The relief sought by the applicant is to quash and set aside the impugned letters dated 19/4/99 and 3/2/2000 and to keep the name of the applicant on the live Register and grant him regularisation. The applicant has also prayed for a direction to the respondents to invoke the provision of relaxation of bar of age limit in favour of the applicant.

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2. The applicant claims that he worked as casual labour under the Chief Permanent Way Inspector Yeola, Central Railway during the period from 29/1/81 to 18/11/1981, thus putting in 227 days in all. According to the applicant in terms of Railway Board's circular dated 8/6/81, he is entitled to be absorbed in the Central Railway. The applicant has produced two statements by the authorities which show that the applicant has worked as a Casual Labour for the period from 29/1/81 to 18/11/81 (page-26 and 14 of the OA).

2. The applicant states that inspite of repeated representations, he has been denied regularisation by the respondents on the ground that he is age barred. At the time when he worked in 1981, he was very much within the age limit.

3. According to the learned counsel for the respondents, the applicant has failed to produce any Concrete proof of his having worked as a Casual Labourer. The main thing he has not produced, ie. Casual labour card, in the absence of which he cannot be considered. His name is not borne in live casual labour register. As such no consideration needs to be shown for the applicant for absorption. However, the applicant represented for the first time only in 1993. He slept over his rights for nearly 12 years. According to the respondents in the year 1999, the applicant had already crossed the maximum age limit of 38 years in the case of Scheduled Caste/Scheduled Tribes. He had not worked for more than 120 days at a stretch. The applicant has now attained age of 42 years as on July, 2000. His cause was taken up by the Zonal Secretary, Central Railway, Zone All India Rail Karmachari Takrar Niwaran Kendra. The applicant was

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informed by letter dated 19/12/99 that as per the present policy, those casual labourers who were not on roll as on 30/4/96 were not to be considered for re-engagement as per official record. The applicant was not on roll on 30/4/96. Therefore the respondents feel justified in denying regularisation/absorption to the applicant in this case.

4. In my considered view, if a person has worked up to 1981, he should have given a representation seeking to be placed on the live register. The Applicant does not seem to have done so. The applicant has for the first time approached in 1993 and his name does not appear on the live register as on 30/4/96. In view of this the applicant cannot be considered. The respondents have also raised a preliminary plea by stating that the applicant's matter falls with the Industrial Disputes Act, 1947, when alternate remedy was available, the applicant does not seem to have pursued that remedy and has instead come to this Tribunal. Therefore, the OA is not maintainable at all.

5. The applicant has nowhere stated that he has approached the Industrial Disputes Tribunal for redressal of his grievance. Since he has made his application directly to Tribunal, I am inclined to entertain the same. However, in the absence of applicant's name being on the live register of Casual Labour and in the absence of any production of casual labour card which is necessary, I am unable to grant any relief in this matter.

6. The OA is therefore dismissed. No costs.

Shanta Shastri
(SHANTA SHASTRY)
MEMBER(A)

abp.