

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 17.2.95.

OA 40/95

GOVINDA MEENA

... APPLICANT.

V/s.

UNION OF INDIA & ANR.

... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicant

... SHRI C.B. SHARMA.

For the Respondents

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PER HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

Applicant Govinda Meena, in this application u/s 19 of the Administrative Tribunals Act, 1985, has sought a direction to the respondents to the effect that he should be engaged as casual labour in their service. He has also prayed that his seniority should be counted as casual labour from the date of his initial appointment.

2. We have heard the learned counsel for the applicant.

3. The applicant states that he was engaged as casual labour in the Jaipur Division of the Western Railway on 11.6.79 and he continued in ^{the} service of the respondents in that division till 1990, after which his services were abruptly terminated by ^a verbal order. In the same breath it has been stated that after 20.9.83 though vacancies were available under the employment of the respondents but the applicant was not called and the respondents engaged fresh persons as casual labour vide Annexure A-3. It is also stated that the provisions contained in Sections 25G and H of the Industrial Disputes Act, 1947 (for short the Act) have been violated by the respondents. The learned counsel for the applicant has drawn our attention to the Railway Board's Circular dated 23.9.78, in which it has been provided that persons who acquired temporary status as a result of having

worked for more than four months should be considered for regular employment without having to go through the Employment Exchanges and further, that a register should be maintained by all the divisions concerned to indicate the names of casual labours, substitutes and casual labours who have rendered four months service, either continuous or broken, for the purpose of future employment as Casual Workmen and also as regular employees, provided they are eligible for regular employment. The applicant has relied on a document at Annexure A-2 which has no covering letter and which does not bear the signature of any person who had issued it. It merely shows that the applicant was engaged in 1979 but there is no document to indicate that he had continued to work till 1990 when it is alleged that his services were terminated by ^a verbal order. The applicant has not produced any evidence to show that he had in fact worked from 11.6.79 to some date in 1990. The applicant has given some names in his letter Annexure A-3 dated 11.1.95, addressed to the Divisional Railway Manager, Western Railway, Jaipur, but the letter is vague in so far as it does not indicate as to when the persons named therein were engaged and on what post. It has of course been stated in the application that one Shri Suresh was given employment as casual labour under the IOW at Alwar in the year 1992. If any such employment was given to Shri Suresh in 1992, the applicant should have raised his grievance at that point of time. In Annexure A-7 dated 4.1.94 it is stated that Shri Ravi Raj Saran was merely advised to report to the Sr. Divisional Personnel Officer, Kota Division, for further instructions about his engagement as a fresh face casual labour in Group-D on the Kota Division. Similarly, the letter at Annexure A-8 dated 22.6.93, addressed to Shri Abdul Wahid, shows that he was also advised to contact the Senior Divisional Personnel Officer, Kota, immediately for further instructions about his engagement as a fresh face casual labour

in Group-D of that division. Similar advice was given to Shri Mohammed Laiqa Noor Mohammed Khan vide Annexure A-9 dated 15.12.93, and to Shri Mahendra Pratap Ramkripal Singh vide letter dated 8.2.94 (Annexure A-10). These documents do not establish that the persons referred to above were actually engaged as fresh faces casual labour. Another document, on which the applicant has based his case, is Annexure A-4, which is the final seniority list of casual labour as on 31.12.88. The name of the applicant does not figure anywhere in this seniority list. If at all the applicant was aggrieved by this seniority list, he should have agitated his grievance within the period of limitation. There is no cogent evidence to prove that the applicant had in fact worked as a casual labour from 11.6.79 to some date in 1990. It appears that the applicant had not continued in service in the Jaipur Division till 1990 since he himself has stated that after 20.9.93 in spite of the availability of vacancies the applicant was not called and the respondents engaged fresh persons as casual labour. The applicant having failed to make out any case in his favour, we do not find that this is a fit case for adjudication.

4. This application is therefore dismissed at the stage of admission.

(O.P. SHARMA)
MEMBER (A)

CPK
(GOPAL IRISHNA)
MEMBER (J)