

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 12th day of October, 2010

ORIGINAL APPLICATION NO. 448/2010

CORAM

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER

Balla son of Shri Lila Ram, aged about 50 years, resident of Bhatawal, Tehsil Kumher, District Bharatpur, Ex. Causal Labour, Card No. 059230 (Rail Path Nirikshak, Bandikui), Northern Western Railway, Bandikui.

.....Applicant

(By Advocate: Mr. G.P. Kaushik)

VERSUS

1. Union of India through the General Manager, Northern Western Railway, Jaipur.
2. Divisional Railway Manager, Northern Western Railway, Jaipur Division, Jaipur.
3. Rail Path Nirikshak, Bandikui (Yantriiki), Northern Western Railway, Bandikui, District Dausa.

.....Respondents

(By Advocate: -----)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

- "(i) That the services of the applicant be regularized on the post of Gangman from the date the services of the person junior to the applicant have been regularized; and
(ii) the applicant be also given consequential benefits and
(iii) that the respondents be directed to pass the necessary orders for appointment of the humble applicant on the post of Gangman; and
(iv) that the applicant be also given the cost of filing this application; and
(v) Any other relief this Hon'ble Court may deem fit in favour of the applicant be also passed.
2. From the material placed on record, it is evident that the applicant was engaged as Casual labour on 29.11.1979 and he had

worked for 40 days in the year 1980 and for 96 days in the year 1984. The applicant has not shown any decision or the rule where the casual labour who had worked for few days can be regularized. The applicant is seeking relief on the basis of one person, Shri Chhidda, who was appointed on 05.09.1980, his services had been regularized whereas the applicant who appointed on 29.11.1979, his services has not been regularized. On this vague averment made by the applicant, no relief can be granted to him. Admittedly as per own showing of the applicant, he had worked as Casual labour from 1979 to 1987. Even on this, ^{a score} no relief can be granted to the applicant thereby regularizing his services *at this belated stage*.

3. The Apex Court in the case of **State of Karnataka vs. Uma Devi**, 2006 SCC (L&S) 753 has clearly held that appointment to the public post has to be made according to constitutional provision and the services of daily wagers, who have been appointed dehors the rules cannot be regularized. Looking the matter from any angle, I am of the view that the applicant has not made out any case for the grant of relief. Further the Apex Court in the case of **C. Jacob vs. Director of Geology and Mining and Another**, 2008(2) SCC (L&S) 961 had held that Courts or Tribunal should not give directions in a stale claim or dead issues. Even on this count, the applicant is not entitled to any relief.

4. With these observations, the OA is dismissed at admission stage itself.


(M.L. CHAUHAN)
MEMBER (J)

AHQ