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CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA 1970/2003

New Delhi, this the 27th day of July, 2004

Hon'ble Sh. Sarweshwar Jha, Member (A)

Vikas Chander S/o Sh. Bhagirath Lal  
R/o Ritu Electrical,  
RZ/B - 218 (Palam Colony)  
Raj Nagar-I, New Delhi - 45

(By Advocate Shri U. Srivastava)

...Applicant

V E R S U S

Union of India, through

1. The General Manager  
Northern Railway, Baroda House,  
New Delhi.
2. The Asstt. Secretary,  
R.R.B. Chandigarh, SCO, 78-79 (II Floor)  
Sector 8-C, Chandigarh - 160018.
3. The Divisional Railway Manager,  
Northern Railway, Ambala  
Haryana.

(By Advocate none)

...Respondents

O R D E R (ORAL)

Shri Sarweshwar Jha,

Heard the learned counsel for the applicant. It is observed that the applicant had approached the Tribunal two times earlier and also with a Contempt Petition to proceed against the alleged contemnor for non-compliance of the orders of the Tribunal. In the said order, while the CP was dismissed, it was observed that the Tribunal in both the OAs had given directions to the respondents to dispose of the applicant's representation in accordance with rules and instructions on the subject; inclusion of his name in the live casual labour register be taken; and also to re-engage him in the Ambala Division where he was working as casual labourer against any future vacancy subject to fulfilment of other eligibility conditions according to relevant rules and instructions in preference to those with lesser service,

*S. Jha*

respectively. The learned counsel for the applicant has, however, drawn my attention to the letter of the respondents dated 6-11-1998 in which the applicant has been informed that casual labourers with one week or two weeks service need not be issued casual labour card, nor are their names to be entered in the live casual labour register. In the said letter, it has also been mentioned by the respondents that they have not engaged any casual labourer who has rendered less service than what has been rendered by the applicant. The learned counsel for the applicant has submitted that this assertion of the respondents was kept in view by the Hon'ble Tribunal while considering and deciding the previous OA and accordingly it was set aside.

2. The contention of the learned counsel for the applicant is that the applicant is eligible for being included in the live casual labour register in accordance with the instructions of the respondents as issued vide their circular contained in RBE No. 42/2001 in which there is a reference to the fact that the ex-casual labourers borne on live casual labour registers will first be considered for absorption in the Railways strictly as per their turn according to seniority based on the total number of days put in by them as casual labourers. It is also mentioned that the ex-casual labourers borne on supplementary live casual labour register will be considered in accordance with the number of days put in by them prior to 1-1-1981 and those falling in this category being placed enbloc below any ex-casual labourer who may have rendered service on re-engagement after 1-1-1981, and his name, is therefore, borne on live casual labour register. It is, however, not clear as to how this case could get relief keeping in view the fact that applicant served the respondents only for



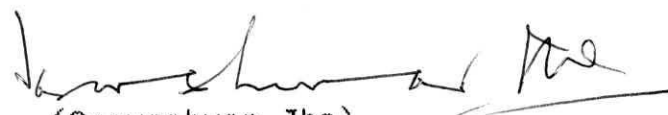
fourteen days from 1-11-1983 to 14-11-1983, i.e., after 1-1-1981 which is the crucial date in the said circular. The grievance of the applicant is that despite the fact that his name should have been on the casual labour live register as per the directions given by this Tribunal in the OA referred hereinabove, the respondents have sent a requisition to the Railway Recruitment Board on 28-06-2003 for recruitment of Gangmen, Trackmen etc. and the case of the applicant has been ignored. In his opinion, this is in clear violation of the directions of the Tribunal.

3. On closer examination of the case of the applicant, particularly the reliefs that have been prayed for by him in paragraph 8 of this OA, it is observed that no satisfactory explanation has been advanced by the applicant to show as to whether this advertisement alone has prevented his case from being considered by the respondents. It is also not explained satisfactorily as to whether this advertisement has anything to do with re-engagement of the casual labourer who had been in the live casual labour register maintained by the respondents, keeping in view the fact that the said requisition relates to recruitment against 700 posts, whereas the case of the applicant is for re-engagement of only one individual. It is further observed that the applicant vide his submission in paragraph 8 had sought re-engagement in terms of the order of this Tribunal in OA 981/1999 dated 9-2-2000. The respondents have already made a statement that they will be considering the case of the applicant if anyone with these number of days of service included in the live casual labour register is considered and re-engaged by them. It is also worth being recalled that the Contempt Petition, being No. CP 158/2001 in OA No. 981/1999 filed by the applicant for ensuring compliance of the orders

*S. Me*

of the Tribunal, as referred to above, had been dismissed by the Tribunal taking a view that there was no wilful or contumacious disobedience of the Tribunal's order by the respondents to warrant further action being taken to punish them under the provisions of Contempt of Courts Act, 1971 read with Section 17 of the Administrative Tribunals Act, 1985, as decided on 18th Sept., 2001.

4. Having considered the facts and circumstances of the case as submitted by both the sides particularly the fact that the respondents have undertaken to consider the case of the applicant against a vacancy if some one junior to him in terms of number of days of service having rendered with the respondents is considered and re-engaged, I do not see any reason as to give a fresh direction to the respondents in the matter. Accordingly, this OA stands disposed of with the said observation.

  
(Sarweshwar Jha)  
Administrative Member

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