
(2011) 04 AHC CK 0212
In the Allahabad High Court
Case No : Writ A No. 37640 of 2006

Union of India (UOI) and Others

APPELLANT

Vs

C.A.T. and Others

RESPONDENT

Date of Decision : 01-04-2011

Acts Referred:

Citation : (2011) 8 RCR(Criminal) 1132

Hon'ble Judges : Sunil Ambwani, J;Kashi Nath Pandey, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. We have heard Shri Sushil Kumar Srivastava for the Union of India-the Appellant. Shri K.M. appears for Respondents No. 2, 3 and 4.

2. The Union of India is aggrieved by the judgment of the Central Administrative Tribunal, Allahabad dated 14.3.2006 in Original Application No. 157 of 2004, by which a direction was given to enter the names of the three applicants in the live casual labour register maintained by the Railways for the purposes of screening and further for absorption of such casual labours in accordance with the prescribed Rules. The Tribunal further directed that the Petitioners will be intimated the serial number in the register and the number upto which regularization has taken place should also be informed to the applicants and in their turn, the applicants shall be considered for regularization/absorption and in accordance with the then prevailing rules and regulations.

3. In pursuance to the directions issued by the Tribunal Smt. Nirmala C. Khapre for Divisional Railway Manager (Personnel) Jabalpur issued a letter to the applicants on 07.7.2008. With regard to Shyam Ji Yadav son of Dwarika Prasad Yadav-Respondent No. 2, she intimated that his name is entered in the Chheoki Loco Shed at serial No. 68; the name of Shri Hari Prasad son of late Shri Babu Lal-Respondent No. 3 is entered in the live casual register of Chheoki Loco Shed at serial No. 74, and the name of Shri Om Prakash son of late Shri Rameshwar

Prasad-Respondent No. 4 has been inserted in the live casual register of Chheoki Loco Shed at serial No. 75. She further informed that in Chheoki Loco Shed the persons upto serial No. 65 in the live casual register have been regularized. Her information and the inclusion of the name of Shri Om Prakash in the live casual register are subject to the orders passed by the High Court in Writ Petition No. 37640 of 2006 (this writ petition).

4. Shri K.M. Misra, learned Counsel for Respondents submits that the names of Shyam Ji Yadav and Hari Prasad Vishwakarma were already entered in the live casual register. The judgment of the Tribunal has thus given benefit only to Shri Om Prakash-Respondent No. 4.

5. Shri Sushil Kumar Srivastava submits that the Petitioners had worked only upto 1990. The vacancies were advertised in the year 2003 and that the Original Application was filed in the year 2004. The Original Application was, therefore, barred by limitation provided under the Administrative Tribunals Act, 1986. The Court could not have directed regularization of the employees entered in the live casual register.

6. From the list of dates quoted in the order of the Tribunal, we find that the applicant No. 1 was engaged on 15.4.1981 and worked upto 542 days; the applicant No. 2 engaged on 5.1.1982 and worked for 297 days and applicant No. 3 engaged on 28.5.1978 and worked upto 727 days. The Railways has framed schemes for regularization of the employees, who have worked for more than 100 days. They were to be entered in the live casual register and will be considered for regularization as and when vacancies arise subject to the rules and eligibility. The D.R.M. Jabalpur has informed the applicants on 15.4.1990, that as and when vacancy arises, they may apply. It is only when the Petitioners were not considered, as they were not entered in the live casual register, they had filed Original Application No. 157 of 2004. The Tribunal has thus rightly held that the O.A. was not barred by limitation. So far as entry of the names of the applicants in the live casual register is concerned, the letter of D.R.M. (Personnel), Jabalpur would show that names of Shri Shyam Ji Yadav and Shri Hari Prakash Vishwakarma was already entered. The name of Om Prakash was entered in pursuance to the judgment of the Tribunal. Shri Om Prakash Vishwakarma was engaged on 05.1.1982 and worked upto 9.7.1989 for a period of 297 days under the scheme framed by the railways as well as Para 179 of Railway Establishment Manual Vol. I. He was entitled to be placed in the live casual register. The direction in this regard did not suffer from any illegality. The Tribunal has not directed them to be regularized. It has only provided that they should be considered for regularization as and when vacancy arises subject to the then prevailing rules and regulations.

7. Shri Sushil Kumar Srivastava has relied upon a judgment of this Court in Union of India and Ors. v. Ajay Kumar and Anr. Writ Petition No. 21799 of 2006 decided on 03.8.2006 in which the Petitioners were considered for regularization. They were not found suitable on the ground of age. The judgment is not

applicable to the present case as the Petitioners have not been considered for regularization as yet.

8. The writ petition is dismissed.