



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

952 WRIT PETITION NO. 10790 OF 2024

Smt Ashabai Shankar Surwade

VERSUS

The Union Of India Through The Secretary

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Advocate for the Petitioner : Mr. Madhav M. Bhokarikar

Advocate for Respondent-UOI : Mr. R.B. Bagul

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATED : 1st OCTOBER, 2024.

PER COURT :-

1. Admittedly, the Petitioner claims to be a casual labourer with the Indian Railways. A copy of her 'record of service book' as "Casual Labourer" is placed before us. The record reveals that the Petitioner, whose date of birth 18.12.1960, claims to have joined the office of the Inspector, Railway Track (S), Barhanpur in Engineering Section, on 22.5.1974 (only 14 years of age).

2. Her service book also indicates that she was given some casual work intermittently for the period of 70 to 75 days, on different occasions. The service book indicates that after 30.06.1986, she was again given casual work from 11.04.1988 to 30.06.1988. Thereafter, she worked as a waterman (water person) from 24.04.1989 to 30.06.1989 and then from 21.03.1990 and 30.06.1990.

This was followed by one more engagement from 15.04.1991 to 30.06.1991.

3. This Petition is filed in September, 2024, after 33 years of the disengagement of the Petitioner. She is now 64 years of age.

4. However we may desire, we are unable to exercise our Writ jurisdiction in view of the fact that the Petitioner was an intermittent casual labourer. The joining at the age of 14 years is also unusual. She attained 18 years of age in 1978, which can be considered as a date for reference to assess whether she can be granted any service benefits. From 1978 onwards, she has worked intermittently in between 18 days to 70 days.

5. In the peculiar facts and circumstances, as above, we have no material before us to conclude that the Petitioner can be said to have completed 240 days in continuous and uninterrupted service of the employer, preceding the date of reference. After 1980, there has been no engagement till 1987 and since 1991, the Petitioner has not been engaged. Nevertheless, this aspect can be considered in an industrial dispute u/s 2A of the I D Act, 1947. We leave this issue open to be considered, if raised.

6. The learned advocate for the Petitioner submits that Railway Department introduced some scheme by which such casual labourers were called upon to apply for certain benefits. It is stated that an Original Application was filed before the Central Administration Tribunal, wherein a Judgment has been delivered by the Tribunal. No details are placed before us. The learned advocate for the Petitioner also does not have any instructions in that regard.

7. In view of above narrated factors, we are unable to entertain this Petition. In the event, the Petitioner has any material, by which, she can approach the Indian Railways, for any such benefit to which she is entitled to, she would be at liberty to pursue the same.

8. **This Writ Petition is, therefore, disposed off.**

9. Needless to state, this order shall not be construed as having created a liberty for the Petitioner, inasmuch as, this order shall not be construed to be a starting point of limitation.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE , J.)

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