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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2574/2002

New Delhi this the 31st day of October, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

Lok Chand S/o Shri Sumer Singh
R/O T-36 C, Railway Colony,
Line Paar, Hapur Junction, Ghaziabad
(By Advocate Shri U.Srivastava)

..Applicant

VERSUS

1. The General Manager,
Northern Railway, Baroda House,
New Delhi
2. The Divisional Railway Manager,
Northern Railway, Moradabad (UP)
3. The Inspector of Works,
Northern Railway, Hapur
4. Kanhaiya Mali,
C/O Inspector of Works
Northern Railway, Hapur

..Respondents

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

Heard Shri U.Srivastava, learned counsel for the applicant. This application has been filed by the applicant for inaction of the respondents in not considering his case for regularisation of his services as Mali, for which a letter had also been written to Respondent No.2- DRM (NR) Moradabad Division by the Labour Enforcement Officer(LEO)(Central) Dehradun. This letter is dated 4/5.2.2002 and has requested that the complaint of the applicant may be disposed of on merits at the earliest possible, preferably within 60 days of the receipt

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of that letter. Learned counsel for the applicant has submitted that nothing has been done in pursuance of this letter by the respondents.

2. The petition for transfer of the application has been allowed under the provisions of the Administrative Tribunals Act, 1985 by order dated 25.10.2002.

3. Learned counsel for the applicant has submitted that as per the list published by the MB Division, the applicant, along with several other persons working in that Division, have been screened on 15.1.1996 to 25.1.1996. The applicant's name appears at Serial No.159 (page 22 of the paper book) and has been found fit as a result of the screening for the post of Mali. He has submitted that in spite of that, he has come to know in Feb., 2002 that one Shri Kanhaiya has been regularised as Mali, ignoring his claim for such regularisation. It is in connection with this that the aforesaid letter dated 4/5 .2.2002 has been written by the LEO, Dehradun to respondent No.2 to have the matter examined but with no avail.

4. In the above facts and circumstances of the case, I see no reason why the respondents ought not to have considered the case of the applicant with regard to his claim for regularisation as a Mali, pursuant to the result of screening done by the MB Division, ^{and} relied upon by him and referred to above. More than 8 months have elapsed since this letter has been written to

Yours

respondent No.2 and according to the learned counsel, nothing has been heard from the respondents so far.

5. In the above facts and circumstances of the case I consider it appropriate to direct the respondents 1 and 2 to have the case of the applicant examined, in accordance with the rules and regulations ~~to~~ the post of Mali, having regard to the facts and documents relied upon by the applicant and consider the present OA as ^{a 18/} ~~L~~ supplementary representation to the aforesaid letter dated 4/5 2.2002, within one month from the date of receipt of a copy of this order, with intimation to the applicant. Needless to say, the respondents shall pass a reasoned and speaking order, particularly in case the claim of the applicant is rejected. No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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