

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

(15)

OA No. 1912/2002

New Delhi this the 7th day of May, 2003.

HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)

Kamta Yadav
S/o Sh. Vishnu Yadav
CPC Khallasi, under Sr. SE (Loco)
Delhi Sarai Rohilla
Delhi.

R/o Kamta Yadav
Qtr. No.L-36-K
DCM Loco Colony
Delhi Sarai Rohilla
Delhi.

...Applicant

(By Advocate Sh. G.D.Bhandari)

-Versus-

Union of India : through

1. The General Manager
Northern Railway
Baroda House
New Delhi.
2. The Divl. Railway Manager
Northern Railway
Bikaner.
3. The Sr. Section Engineer (Loco)
Northern Railway
Delhi Sarai Rohilla
Delhi.
4. The Divisional Accounts Officer
Northern Railway, DRM's Office, Bikaner.

...Respondents

(By Advocate Sh. R.L.Dhawan)

O R D E R (GRAL)

By Mr. Shanker Raju, Member (J):

Through this OA applicant has sought declaration to treat him as permanent khalasi and not as CPC khalasi and to give effect to the order dated 5.5.88, where name of applicant after qualifying screening test has been placed in the panel at serial No.84 with all consequential benefits.

2. Applicant, who was appointed on casual basis under PWI, Rohtak on 14.6.78 worked for 90 days and discharged. On re-engagement on 5.8.83 he had worked for 26 days. Aforesaid working has been reflected in the casual labour card issued by the senior subordinates. Applicant was again re-engaged on 30.6.84 and in response to respondents' letter dated 24.8.87 whereby casual labours/substitutes have been called for screening as well as supplementary notice dated 26.12.87 name of applicant had figured at serial No.21. Applicant cleared the screening test and was interpolated at serial No.84 in the revised panel.

3. Sh. G.D. Bhandari, learned counsel appearing for applicant contended that on being declared successful in the screening applicant has to be permanently absorbed as khalasi in the loco department and is entitled to all the benefits available to a permanent employee. Applicant had been subscribing to the Provident Fund and allotted a Railway accommodation. Applicant in response to screening notified on 6.8.98 scheduled for 21.8.98 shown as CPC khalasi and was relieved to appear in the screening test. The contention put-forth by Sh. Bhandari is that having cleared the screening and having his name brought on the panel he is to be paid regular pay scale with yearly increment as due to inter departmental communication gap applicant's status has not been changed.

4. On the other hand, respondents' counsel Sh. R.L. Dhawan, contended that on verification of casual labour card No.39731 of applicant it was revealed that the same was not issued in the name of Kamta Prasad, S/o Sh.

Vishnu Yadav and applicant has not worked as reflected in the said PWI. Accordingly, having produced a bogus labour card to obtain further employment SF-5 has been served upon him vide memo dated 18.9.2002 for major disciplinary proceedings and the same are in progress.

5. Having regard to the rival contentions, ends of justice would be duly met if the present OA is disposed of with a direction to the respondents to consider the relief claimed by him of treating him as permanent with all consequential benefits, subject to outcome of the major penalty proceedings as to the authenticity of the casual labour card produced by applicant. Ordered accordingly. No costs.

S. Raju
(Shanker Raju)
Member (J)

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