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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1861/2001

New Delhi, this the 11th day of the April, 2002

HON'BLE MR. M.P.SINGH, MEMBER (A)

Shri E. Manual,
S/o Shri Masiha,
H.No.32, Chandra Nagar,
Moradabad.

... Applicant

(None present)

V E R S U S

1. Union of India,
through :
The General Manager,
Baroda House,
New Delhi.

2. Divisional Railway Manager,
Northern Railway,
Moradabad Division,
Moradabad.

... Respondents

(By Advocate: Shri Rajender Khatter)

O R D E R (ORAL)

None is present for the applicant today. None was present on earlier occasions i.e. 4.10.2001, 10.12.2001, 16.1.2002, 28.1.2002, 8.2.2002, 8.3.2002 and 10.4.2002. I, therefore, proceed to dispose of the present case under Section 15 of the CAT (Procedure) Rules, 1987.

2. By filing this OA, the applicant has sought a direction to the respondents to consider his case for the regular post of Safaiwala for which he was to be considered from the date the others were considered vide order dated 20.5.1997 with all consequential benefits. He has also sought a direction to direct the respondents to consider him for any other suitable post for which he is found suitable on the basis of of medically decategorised staff.

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3. Brief facts of the case are that the applicant had earlier filed an original application being O.A. No.1203/1992 which was disposed of vide Tribunal's order dated 6.8.1996 with the direction to the applicant to file his claims with the respondents, i.e., Divisional Railway Manager, Northern Railway, Moradabad Division. Thereafter the respondents were directed to examine the claim and evidence and communicate the findings to the applicant by a reasoned and speaking order. In pursuance of this, the applicant submitted his representation on 29.9.1996 along with documents for verification of his working days for inclusion of his name in the Live Casual Labour Register (hereinafter called as 'LCLR'). The respondents vide their letter dated 15.1.1997 passed the order stating that the working period of the applicant under Loco Foreman/Moradabad is only 26 days, i.e., w.e.f.27.3.1980 to 21.4.1980 and that the name of the applicant has been placed in the LCLR of Loco Foreman/Moradabad at the appropriate place. Thereafter the respondents vide their letter dated 20.5.1997 asked the applicant to submit all the relevant documents in case he is interested in the post of Safaiwala. The applicant had submitted all the relevant documents and was called for medical examination on 2.6.1997. On 30.5.1997, the respondents declared the applicant unfit in medical test Class-B1 on the ground that the applicant is suffering from some eyes disease. The contention of the applicant is that he should be considered by the respondents for appointment to the post as per Rules on medically decategorised staff. The request of the applicant for



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appointment to any suitable post has not been considered by the respondents. Aggrieved by this, he has filed the present OA claiming the aforesaid reliefs.

4. Respondents in their reply have stated that the applicant had worked with the respondents for 56 days and his name was placed in the LCLR of Loco sub-unit of Mech. Unit. In the meantime, General Manager had given the approval to engage 52 Safaiwalas and hence, the willingness of the applicant was also obtained as to whether he would like to be engaged as Safaiwala/C&W in the sub-unit of Mech. Unit. The respondents have considered the case of the applicant but he could not be found fit in the requisite medical standard for the category of Safaiwala and, therefore, he could not be re-engaged. Thereafter, the Tribunal in OA No.2345 of 1996 with other connected OAs, directed the respondents to verify the claims of the applicants therein and place them on the LCLR of the concerned unit. The respondents in compliance of the aforesaid orders of the Tribunal verified the claims of the applicants therein and examined the matter and their names were placed on the LCLR of the concerned unit and, therefore, ^{the} names were interpolated in the priority list and the name of the applicant was shifted to Sl. No.148 in priority list of Loco subunit of Mech. Unit and persons upto S.No.83 have been engaged. The applicant will also be considered for re-engagement as per his turn in accordance with the extant Rules. According to the respondents, the applicant cannot be considered for re-engagement by over-looking the claims of the other


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persons who are senior in the priority list. In view of the aforesaid submissions, the OA has no merit and is liable to be dismissed.

5. Admitted facts of the present case are that the applicant had earlier filed an original application being O.A. No.1203/1992 and the Tribunal vide its order dated 6.8.1996 disposed of the said OA with the direction to the respondents to verify the claim of the applicant and place his name in the LCLR. The respondents in pursuance of the aforesaid order of the Tribunal have verified the claim of the applicant as per rules and placed his name at Sl. No.148. The respondents have also given an undertaking that the applicant will be considered for re-engagement as and when his turn comes as per the extant rules in their counter reply.

6. In the facts and circumstances of the case, I feel that the ends of justice will be duly met if the respondents are directed to consider the claim of the applicant for re-engagement for any other suitable post as and when his turn comes strictly in accordance with law, rules and instructions on the subject.

7. The present OA is disposed of in the aforesaid directions. No order as to costs.


(M.P. SINGH)
MEMBER (A)

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