

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.NO. 1129 of 1998

Date of Decision 21-5-99

Govind Dass Applicant(s)

Sh. Nitin Patel Advocate for the Applicant(s)

Versus

UOI & Ors. Respondent(s)

Sh. Rakesh Dhanwan Advocate for the Respondent(s)

C O R A M: (Single/Division)

Hon'ble Shri R.K. Ahuja, Member (A)

Hon'ble Shri _____

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes/No

2. To be referred to the Reporter or not? Yes/No

D
(R.K. AHOOJA)
Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No. 1129/98

Hon'ble Shri R.K. Ahooja, Member (A)

New Delhi, this the 26th day of May, 1999

12

1. Govind Dass
S/o Shri Chandra Shekher
R/c Gokulpuri, 399-C Block
Opp. Balmiki Park, Delhi
2. Shri Krishan Pal
S/o Shri Bindraavan
C/o Shri Radhey Shyam
Gokulpuri, 399-C Block
Opp. Balmiki Park, Delhi
3. Shri Parma Nand
S/o Sjhri Chautru Bhuj
C/o Shri Loknath Operator
ESY Hospital
Sector 24, NOIDA
4. Shri Rakesh Kumar
S/o Bilu Ram
C/o Shri Loknath Operator
ESY Hospital
Sector 24, NOIDA
5. Shri Rajesh Kumar
S/o Bilu Ram
C/o Shri Loknath Operator
ESY Hospital
Sector 24, NOIDA
6. Shri Jai Pal
S/o Shri Kishana
Satyavati Colony
Ashok Vihar, III, Delhi
Near Kakshmi Bai College
Zhuggi Zhopri
7. Shri Hira Lal
S/o Shri Nath
C/o Shri Loknath Operator
ESY Hospital
Sector 24, NOIDA

....Applicants

(By Advocate: Shri Kishore Kumar Patel)

Versus ,

1. Union of India
through the General Manager
Northern Railway
Baroda House, New Delhi
2. Divisional Railway Manager
Northern Railway
State Entry Road, New Delhi

.... Respondents

(By Advocate: Shri R.L. Dhawan)

O R D E R

The applicants, seven in number, claim to have worked under I.W.O., Budhlada (Punjab), Northern Railway for various periods during 1984 as casual labour khalasies. They submit that the respondents did not place their names on the Live Casual Labour Register and for their re-engagement even though a large number of their juniors and those with lesser service have not only been re-engaged but have also been regularised in service. They have, therefore, come before the Tribunal seeking a direction to the respondents to re-engage them in preference to all other freshers and casual labourers in accordance with their seniority and regularise them as per Railway Board's instructions.

(3)

2. The respondents have filed a short reply denying the claim of the applicants. They state that the copies of the certificates enclosed on plain papers purported to have been issued by IOW, Budhlada are not acceptable as these certificates on plain paper do not constitute casual labour cards. They further state that as per the report submitted by the Divisional Personnel Inspector, the applicants have never worked as casual labour under IOW, Budhlada.

3. I have heard the counsel. The respondents have filed a Miscellaneous Application seeking a direction that applicants should file photo copies of their casual labour cards and on 11.1.99 when the matter had come up, the learned counsel for the applicants had sought time to do so. However, the requisite documents were not produced. There is, therefore, an inference to be drawn against the applicants.

DR

4. In any case disputed questions of fact cannot be gone into in judicial review. As held by the Hon'ble Supreme Court in Bharat Ram Meena Vs. Rajasthan High Court and others, 1997 SCC (L&S) 797, to resolve disputed questions of fact it becomes necessary to appreciate the evidence that is outside the scope of judicial review which is confined to questions of law and not to the determination of the factual position.

5. As I find that the pleadings have raised disputed questions of fact, which the Tribunal would not like to enquire into, O.A. is liable to be dismissed.

6. There is no order as to costs.


(R.K. AHUJA)

MEMBER(A)

sc*