

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 2347/98

(31)

New Delhi this the 14th day of September, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

In the matter of

1. Ram Avatar
H-3, Jalvihar, Nizamgarh,
Delhi-110043
2. Santosh Kumar
H-3, Jalvihar,
Nizamgarh, Delhi-110043
3. Raj Bahadur Singh
S/O Sh. Phoole Singh,
H-3, Jal Vihar, Nizamgarh,
Delhi-110043
4. Udaivir Singh,
H-3, Jal Vihar,
Nizamgarh, Delhi-110043
5. Udaivir Singh
S/O Sir Chet Ram
H-3, Jal Vihar,
Nizamgarh, Delhi-110043.

.. Applicants

(None for the applicants)

Versus

1. Railway Board
through its Secretary,
Ministry of Railway, Rail Bhawan,
New Delhi-1
2. The Divisional Railway Manager,
North Eastern Railway,
Izat Nagar(UP)

.. Respondents

(By Advocate Shri B.S. Jain)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member (J))

Applicants, five in number, have filed this OA
praying for a direction to the respondents to consider
their cases for appointment as Casual Labourers/Seasonal
Waterman.

2. None has appeared for the applicants even on the
second call. By Tribunal's order dated 27.3.2000 when

VS.

32

none appeared for the applicants, the OA was dismissed for default and non-prosecution. However, it is noticed that by subsequent order dated 20.7.2000, the OA was restored to its original position. I have perused the pleadings and heard Sh.B.S. Jain, learned counsel for the respondents and the following orders is passed on merits taking into account the relevant facts.

3. According to the applicants they had been engaged as Seasonal Waterman from 1985 and have completed 120 days of service in each year. They have stated that all original documents have been submitted by them to respondent 2 i.e. ^{the} Divisional Railway Manager, North Eastern Railway, Izat Nagar(UP) with regard to the pronouncement of the result of successful candidates for selection held on 5.9.1997. Their grievance is that their names did not figure in the list of successful candidates. While a number of their juniors have been appointed, they state that they had approached the office of R.2 but there was no response. They have also stated that their representations have not been answered and are still pending with the respondents.

4. Shri B.S. Jain, learned counsel has raised a number of objections.

5. Applicants have filed MA 2473/98 praying for permission to file a joint application. Hence the preliminary objection/by the respondents that there is no M.A. under Section 4(5) of the Central Administrative Tribunal(Procedure) Rules, 87 cannot be

(33)

accepted and this plea is rejected and MA 2472/98 is allowed.

5. Another preliminary objection taken by the respondents is that there is no averment in the OA that the applicants are now in Delhi and were originally residing at UP and/there is no application under Section 25 of the Administrative Tribunals Act, 1985. Taking into accounts the facts and circumstances of the case, namely, that the applicants have not/continued in service with respondent 2, and in the Memo. of parties they have stated that they are residing at Nizamgarh, Delhi, having regard to Rule 6(2) of the Central Administrative Tribunal (Procedure) Rules, 1987, this objection cannot also be sustained.

6. Learned counsel for the respondents has taken an objection that no junior persons have been impleaded by the applicants as respondents. In case averments of the respondents are accepted that no junior to the applicants have been appointed, the question of impleadment of juniors does not arise.

7. The main prayer of the applicants in the present case is that as they have worked with Respondent 2 earlier as Seasonal Waterman for a number of years, the respondents should consider their cases for further appointment.

8. In the above facts and circumstances of the case, the OA is disposed of with the following directions:-

In case the applicants make an application to the

3A

respondents within one month from the date of receipt of a copy of this order for re-engagement as casual labourers/ seasonal Waterman, as and when the need arises for the respondents, their applications shall also be considered by them in accordance with law, Rules and instructions. No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

sk