

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 883 of 1994

with

O.A. No. 426/1994

M.A. No. 4121 of 1994

New Delhi this the 6th day of February, 1995

Mr. Justice S.K. Dhaon, Vice-Chairman  
Mr. P.T. Thiruvengadam, Member 'A'

O.A. No. 883 of 1994

Shri Narender Dev

...Applicant

Versus

1. Secretary,  
Railway Board,  
Rail Bhavan,  
New Delhi.

2. General Manager,  
Central Railway,  
V.T. Bombay.

3. Divisional Railway Manager,  
Central Railway,  
Jhansi Division,  
Jhansi.

...Respondents

O.A. No. 426 of 1994

MA No. 4121 of 1994

1. Shri Munney Khan  
R/o 230/3 Mandawli Fazalpur,  
Delhi.

2. Shri Gauri Shankar  
R/o 964, Chand Mohalla,  
Gandhi Nagar,  
Delhi.

3. Shri Shanker Lal  
R/o 201, Palanji,  
Kotla Mubarakpur,  
New Delhi.

4. Shri Shambu Dayal  
R/o 201, Palanji Kotla Mubarakpur,  
New Delhi.

5. Shri Ghan Shyam  
R/o 230/3, Mandawli Fazalpur,  
Delhi.

...Applicants

Versus

1. Secretary,  
Railway Board,  
Rail Bhavan,  
New Delhi.

94

2. General Manager,  
Central Railway,  
V.T. Bombay.

3. Divisional Railway Manager,  
Jhansi Division,  
Central Railway,  
Jhansi. ... Respondents

Shri O.P. Khokha, Counsel for the applicants

Shri D.S. Mahendru, Counsel for the respondents in OA 426/94

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Vice-Chairman

The controversy involved in these two OAs is similar. They have been heard together and, therefore, they are being disposed of by a common order.

2. In both the OAs, counter-affidavits have been filed. In O.A. 426 of 1994, initially, Shri H.K. Gangwani was appearing on behalf of the respondents. However, today Shri D.S. Mahendru has appeared on behalf of the respondents in O.A. 426 of 1994 and has also filed a counter-affidavit on their behalf. We have, therefore, heard him in opposition to the said O.A.

3. In O.A. No. 883 of 1994, Shri H.K. Gangwani appeared on behalf of the respondents. We are being informed from quite some time that Shri Gangwani has gone abroad. We have been accommodating Shri Gangwani in other cases. We do not propose to do so further. The respondents should have made an alternative arrangement. We have perused the contents of the counter-affidavit filed on behalf of the respondents and we are proceeding to dispose of the said O.A. also.

4. In both the OAs, the defence is common, namely, out of five applicants in OA 426/94, three of the applicants viz. S/Shri Ghan Shyam, Shambu Dayal

and Munney khan did not qualify to attain temporary status. Likewise, Shri Narendra Dev (the applicant in OA No.883 of 1994) also did not attain the fulfilment of the necessary qualifications for temporary status. We have seen the record and we are satisfied that all the applicants before us in both the O.As. rendered 120 days of continuous service in one year to the respondents and, therefore, they qualified themselves to be given temporary status. We are proceeding to dispose of the O.A. on the footing that the applicants should have been given temporary status.

5. The grievance appears to be that the applicants have not been given proper placements in the records maintained by the respondents for all those who have attained temporary status. The respondents shall include the name of all the applicants in the register maintained for all those casual workers who have been given temporary status. The applicants shall be given proper placements in that register in accordance with the relevant rules. After this is done, the respondents shall offer work to the applicants, if and when any recruitments are made, strictly in accordance with their placements in the register.

6. In O.A. No.426 of 1994, a defence has been taken that none of the applicants is residing in Delhi. Therefore, they cannot invoke the provisions of Rule 6(2) of the Central Administrative Tribunal 'Procedure Rules. The applicants have asserted in the O.A. as well as in the rejoinder-affidavit that they are residing in Delhi. Apart from making the said bold statement, the respondents have not produced any material to refute the case set up by the applicants. Today, during the course of the arguments, counsel for the

respondents showed us two envelopes. One was addressed to Shri Munney Khan and other to Shri Gauri Shankar. According to the learned counsel, the letters were returned undelivered with the remark that the addresses were not residing at the addresses given on the envelopes. We are not inclined to accept the new evidence at this stage of hearing. Even today, no supplementary counter-affidavit has been filed on behalf of the respondents stating therein the aforementioned facts. We, therefore, hold that S/Shri Munney Khan and Gauri Shanker and the other applicants in the two OAs have demonstrated and succeeded in showing that they are entitled to the benefit of Rule 6(2) of the Rules.

With these directions, the O.As. are disposed of finally but without any order as to costs.

*P. T. Thiruvengadam*  
(P.T. THIRUVENGADAM)  
MEMBER (A)

*S.K. Dhaon*  
(S.K. DHAON)  
VICE CHAIRMAN

RKS