

(90)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 3082/91

New Delhi this the 4th day of February 1997

Hon'ble Shri K.Muthukumar, Member(A)

Shri Gadu,
S/o Shri Mangu Ram,
working as Waterman,
under Station Supdt.,
Western Railway, Bhagiga
Distt: Sikar(Raj)

.....Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through
The General Manager,
Western Railway,
Churchgate, Bombay.
2. The Divisional Railway Manager,
Western Railway, Jaipur.
3. The Station Superintendent, (S.M.)
Western Railway, Bhagiga, Distt. Sikar.

.....Respondents

(By Advocate: Shri P.S.Mahendru)

ORDER (Oral)

By Hon'ble Shri K.Muthukumar, Member(A)

The applicant has been working as casual water man since 12.4.85. His grievance is that he is already working on part time basis. Respondents have not given any temporary status of casual labourer on completion of 120 days of service under the Railways. He, therefore, prays that respondents may be directed to consider the applicant for grant of temporary status as well as for regularisation. In the counter reply respondents have submitted that the applicant was working as project casual labour and also as part time water man and he is not entitled to grant of temporary status because he was engaged on part time basis and not as casual labour.




They have also submitted that the Railway Board's Circular dated 11.9.86 relied upon by learned counsel for the applicant is not applicable to the applicant.

2. Heard the learned counsel for the parties. Ld counsel for the applicant alleges that subsequent to the Railway Board's Circular dated 11.7.86 it has been laid down in Ram Kumar Vs Union of India that the facility of temporary status can be extended. Ld. counsel for the respondents further submits that it is not possible to refer the matter.

3. Ld counsel for the applicant submits that applicant will be satisfied if respondents are directed to consider his representation on his behalf within reasonable time and consider grant of temporary status to the applicant. Ld counsel for the respondent has no objection to considering his representation. In the light of the submissions made by the learned counsel for the parties the application is disposed of with a direction to the applicant to submit a representation to the respondents within one month from the date of receipt of a copy of this order. Respondents are also directed to consider the representation within three months thereafter and communicate the decision by a reasoned and speaking order to the applicant within a fortnight.

4. Application is disposed of on the above basis. No costs.


(K. MUTHUKUMAR)
Member (A)

cc.