

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1966/1992

New Delhi, this 28th day of May, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri S.P. Biswas, Member(A)

12

1. Shri Subhas Saha
2. Shri Rajinder Singh
3. Shri Jaypal Singh
4. Shri Ramji
5. Shri Ram Naresh .. Applicants
c/o Shri B.S. Mainee
240, Jagriti Enclave,
Delhi-110 092

(By Advocate Shri B.S. Mainee)

versus

Union of India, through

1. General Manager
Northern Railway
Baroda House, New Delhi
2. The Divisional Railway Manager
Northern Railway
State Entry Road, New Delhi .. Respondents

(By Advocate Shri H.K. Gangwani, not present)

ORDER(oral)

Hon'ble Dr. Jose P. Verghese


This OA has been filed on behalf of five casual labourers who are entitled for appointment in accordance with the rules. After notice, several opportunities were given for filing reply and by order dated 3.6.93 right to file reply was forfeited, when their counsel appeared. Thereafter, for one or the other reason, this matter was pending for final disposal.


2. Shri B.S. Mainee, learned counsel for applicants submitted that out of 5 applicants, Shri Rajinder Singh and Shri Ram Naresh had been appointed in accordance with the orders at page No.27-29 of the paper book but similar offers of appointment have not been made in

13

respect of other three applicants. Since no reply has been filed, the facts stated in the OA shall be deemed to have been admitted and since right to file reply stands forfeited, we direct the respondents to give the three applicants, namely S/Shri Subash Saha, Jaypal Singh and Ramji same order as has been given to Shri S/Shri Rajinder Singh and Ram Naresh in pursuance of the offers of appointment already available on paperbook. These applicants shall be given the offer within two months from today. It is further made clear that the benefits given to S/Shri Rajinder Singh and Ram Naresh will also be applicable to other three applicants, in whose favour this OA is being allowed, including payment of arrears, irrespective of the fact whether they have worked or not. We are passing this order to pay arrears after considering the fact that the respondents have not cared to file reply in spite of repeated opportunities. In these circumstances, we have no hesitation to hold that the applicants have been prevented from working for no valid reason and payment of arrears had become due in favour of them whether they have worked or not.

3. The OA is partly allowed as aforesaid. No costs.


(S.P. Biswas)
Member(A)


(Dr. Jose P. Verghese)
Vice-Chairman(J)

/gtv/