

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA No.246/92
MA No.3529/94

New Delhi this the 31st Day of January, 1995.

Hon'ble Mr. N.V. Krishnan, Vice-Chairman (A)
Hon'ble Dr. A. Vedavalli, Member (J)

Awadesh Gautam
S/o Sh. Ram Parkash Gautam,
r/o c/o Sh. M.C. Sharma,
Kothi No.25, Ashoka Park,
New Rohtak Road, Rampura,
New Delhi.

...Applicant

(By Advocate Sh. Yogesh Sharma, proxy for Sh. V.P. Sharma)

Versus

1. Union of India through the
General Manager, Northern Railway,
Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Allahabad (UP).
3. The Secretary, Railway Board,
Rail Bhawan, New Delhi.
4. The Sr. Divisional Electrical Engineer,
Northern Railway Allahabad.

...Respondents

(By Advocate Ms. Sunita Rao)

ORDER(Oral)

Hon'ble Mr. N.V. Krishnan:-

The applicant being a Railway employee was engaged in the Railway for some time but discontinued thereafter has prayed for a direction to the respondents to consider his case for regularisation in terms of the Railway Board's order dated 11.9.86 in preference to juniors with a further prayer that the respondents should be directed to engage the applicant as a casual labourer in the meanwhile in preference to juniors and outsiders.

2. A reply has been filed by the respondents in which these claims are contested.

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3. However, the applicant subsequently filed MA-3529/94, requesting that the OA may be disposed of in the light of the earlier judgement in OA-2441/91 - Net Ram and Others vs. Union of India and Others, which was disposed of with certain directions to the Railways on 26.5.94. Notice of the MA was issued to the respondents. No reply has been filed. However, the learned counsel for the respondents submits that the respondents have no objection if the OA is disposed of on the same lines as in Net Ram's case. In the circumstances, we dispose of this OA with a direction to the applicant to submit an application addressed to respondent No.2 - D.R.M. Northern Railway, Allahabad through respondent No.4 - the Senior Divisional Electrical Engineer, Northern Railway, Allahabad within one month from the date of receipt of this order giving full particulars about his service and more particularly proof relating to the claims made by him, namely, that he is entitled to be included in the list of casual labourers maintained by the Railway administration in accordance with the circular No.220E/190-XIX-A/RIV dated 28.8.87 issued by the General Manager, Northern Railway to which a reference has been made in para-16 of the judgement in Net Ram's case. On receipt of this representation, the respondents are directed to consider the applicant's case in accordance with law and if it is established that he is entitled to be included in the aforesaid list of casual labourers, his name shall be included therein and thereafter if any occasion arises for the engagement of casual labourers the case of the applicant for such engagement shall be considered in accordance with the position in that list of casual labourers. Orders ^{on the representation} ~~to this effect~~ shall be passed by the respondents within three months after the representation, if any, is received from the applicant.

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4. The M.A. and the O.A. are disposed of as above,
with no order as to costs.

Akeda...

(DR. A. VEDAVALLI)
MEMBER (J)

'Sanju'

N.V. Krishnan
31.1.85

(N.V. KRISHNAN)
VICE-CHAIRMAN (A)