

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 1st day of June, 2001.

C O R A M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Maj. Gen. K.K. Srivastava , A.M.

Original Application No. 946 of 1996.

1. Bachu Prasad S/o Sukhari
R/o Vill. & Post- Tikampar, Tehsil- Salempur,
Distt. Deoria.
2. Balram Singh, S/o Yadunandan Singh
R/o Vill. Danaur Tola, Tehsil- Salempur,
Distt. Deoria.
3. Shri Ram S/o Garju Shah
R/o Vill. & Post- Tikampur, Salempur, Distt. Deoria.
4. Parma S/o Bhola R/o Vill. Banapur Tola,
Usaraham, Post- Bhatpar Rani, Salempur, Deoria.
5. Shrikant S/o Babu Ram. R/o Raghunath Pur,
Post- Bankata, Distt. Deoria.
6. Rama Shankar S/o Sri Chhotey Lal
R/o Vill. & Post- Tikampur, Tehasil- Salempur,
Distt. Deoria.
7. Radhey Shyam S/o Surya Bali R/o Chhotake Gaon,
Bhatpar Rani, Deoria.
8. Rajendra S/o Sri Jagat , R/o Vill & Post- Kharasar,
Tikampur, Khampar, Distt. Deoria.
9. Ramanand S/o Sri Chandra Deo, R/o Vill Chhotka Gaon,
Post- Bhatpar Rani, Salempur, Distt. Deoria.
10. Ram Bali S/o Sri Dhannu.
R/o Vill. Majhauri Raj, Salempur, Distt. Deoria.

11. Kailash Yadav S/o Vishwanath Yadav
R/o Vill. Holai Pur, Bhera Pakar, Bankata,
Distt. Deoria.
12. Bikau S/o Tilak R/o Vill. Chhotaka Gaon,
Post- Bhatpar Rani, Distt. Deoria.
13. Lal Bahadur, S/o Sahdeo, R/o Village- Danpur,
Post- Julvan Tola, Distt. Deoria.
14. Shiv Shankar S/o Sri Harihar
R/o Vill. & Post- Barka Gaon, Distt. Deoria.
15. Yogendra S/o Sri Pitambar
R/o Vill. & Post- Kharasar, Tikampya, Khmapur,
Distt. Deoria.

.....Applicants

Counsel for the applicants :- Sri A.B. Singh

V E R S U S

1. Union of India through it's General Manager,
N.E. Rly. Gorakhpur.
2. Divisional Railway Manager (DRM), Varanasi.
3. Executive Engineer (Construction),
N.E.R, Division- Varanasi.
4. Chief Engineer/ Administrative Officer,
BG Construction Division- Varanasi.

.....Respondents.

Counsel for the respondents :- Sri V.K. Goel

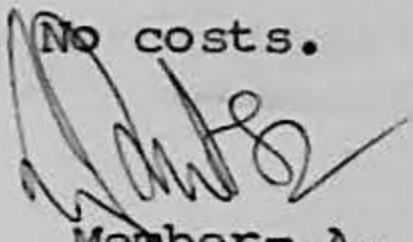
O R D E R (Oral)

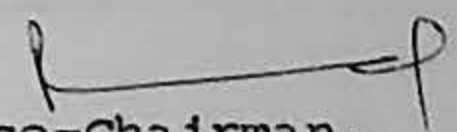
(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this application under section 19 of the

Administrative Tribunal's Act, 1985, applicants have prayed for direction to the respondents to engage the applicants taking in view their number of working days, which are more than the number of working days of the persons mentioned in the list (annexure-5). Before filing this OA, the present applicants filed O.A No. 110/92 which was finally disposed of by order dated 23.05.95 in pursuance of which, applicants' names have been included in the Live Casual Labour Register and they have also been granted temporary status. The grievance in this O.A is confined to the aspect that several persons who were engaged subsequent to the applicants, and shown in annexure-5, are being given preference while providing engagement and applicants are being ignored. Sri V.K. Goel, learned counsel for the respondents though has refuted the allegations made by the applicants but so far as the principle, that those who have joined earlier should be preferred in providing engagement on availability of work, he has not disputed. It is well established that seniors should be given preference in the matter of allotment of work, if they are ^{otherwise} not suitable for the same. In these circumstances if applicants are serving from before the engagement of persons shown in the list (Annexure-5), their interest should be protected to the extent that they should be offered job first. For this purpose applicants may make applications before respondent No.3, Executive Engineer who will consider the application[^] and grievances of the applicants and after examining the matter, issue necessary direction within a month from the date a copy of this order alongwith application is filed before him.

2. Subject to aforesaid direction, the OA is disposed of finally, No costs.


Member- A.


Vice-Chairman.

/Anand/

24/8
misc. Appli. No. 3677/01
filed by counsel for
respondent.
submitted.

rw
24/8/01

27.8.2001.


Hon'ble Mr. S. Dayal, A.M.
Hon'ble Mr. Rafiq Uddin, J.M.

None for the parties. Sri V.K. Goel for the respondents is on adjournment.

The learned counsel for the respondents has moved M.A. regarding the order passed by the Bench consisting of Hon'ble Mr. Justice R.R.K. Trivedi, V.C. and Hon. Maj Gen K.K. Srivastava, A.M. The same be placed before the ^{id} same Bench.

List on 17.9.2001.


J.M.


A.M.

MA 3677/01

OA 946/96 P/

17.9.01/

HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.

Case called. None appeared as learned advocates have struck the work on the call given by the Bar Association. Adjourned. List again on 8-11-2001...

BOC

8

O/R

MA No 3677/01 is

Submitted for
order.

6/11/01


MA 3677/01
is
MA 946/96

DA. 08.11.01

Hon. Mr. Justice R.R.K. Tripathi, V.C.
Hon. Maj. Gen. K.K. Srinastara, AM.

We have heard Sri V.K. Goel, learned counsel for ^{respondents} applicant and Sri B.B. Singh, learned counsel for applicant opposite party. By this MA. No 3677/01, one month time was prayed for complying with the order dated 01.06.01 passed in OA. 946/96. This application was filed on 16.08.01. More than two months have already ^{been} availed by the respondents as time prayed for implementing the order. In the circumstances, there appears no justification in granting further time. However, it will not prejudice ~~to~~ the applicant for filing a contempt application before this Tribunal.


AM


V.C.

done