

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 9TH DAY OF MAY, 2002

Original Application No. 13 of 1997

CORAM:

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

HON. MR. S. DAYAL, MEMBER (A)

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1. Sri Inder Pal aged about 35 years,
S/o Late Sri Kanhaiya Bux, R/o
Out House T-14(C), Railway Colony,
Dhaka Tal, Shahjahanpur.
2. Kishan Kumar aged about 37 years,
S/o Sri Puttu Lal, R/o E-8-E,
Railway Colony,
Shahjahanpur.
3. Shiv Kumar, aged about 37 years,
S/o Sri Mata Charan, R/o C/o Krishna
Kumar, P-2, Railway Colony,
Shahjahanpur.
4. Swamy Kartikey, aged about 40 years,
S/o Sri Achhayavar, R/o 12 G.H.
Railway Colony, Rosa,
Shahjahanpur.

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5. Bajrang Bali, aged about 32 years,
S/o Sri Prakash Chandra, R/o 29C,
Railway Colony, Rosa,
Shahjahanpur.

6. Satish Kumar, aged about 40 years,
S/o Late Sri Mehar Das, R/o 60,
Baruzai Peshawari, Shahjahanpur.

7. Bubhash Chandra, aged about 30 years,
S/o Sri Lalita Prasad, R/o 29J, Railway
Colony, Rosa, Shahjahanpur.

8. Ram Saran, aged about 38 years,
S/o Sri Bahadur, R/o C/o Swamy
Kartikey, 12 G.H. Railway Colony,
Rosa, Shahjahanpur.

9. Hanif Khan, aged about 36 years
S/o Sri Nazirullah Khan, R/o C/o
Sri Mohd. Shafique Ansari, Near
Sadik Babu ka Makan, Jamandai Jalal
Nagar, Shahjahanpur.

10. Arvind Kumar, aged about 38 years,
S/o Sri Ram Bharose, R/o 29H, Railway
Colony, Rosa, Shahjahanpur.

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Versus

1. Union of India, through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Asstt. Engineer, Northern Railway, Shahjahanpur.
3. The Inspector of Works, Northern Railway, Shahjahanpur.
4. The Inspector of works, Northern Railway, Rosa, Shahjahanpur.

..... Respondents

(By Adv: Shri A.V.Srivastava)

O R D E R (Oral)

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

The short controversy for decision in this case is that these 10 applicants who were serving as Casual Khalasis with temporary status were screened for regularisation. When they were found fit for regularisation they were given choice to indicate whether they would like to be regularised as gangman or as Khalasi. There is no dispute about the fact that applicant initially opted for being regularised as gangman but the applicants case is that as the chances of


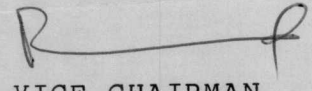
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promotion as gangman ^{was} could be limited and they had better prospect^{us} as Khalasi, they withdrew their initial option and made a fresh option for being ^{reapplied} made as Khalasis. However, the respondents refused to consider the request of the applicants. Aggrieved by which they have approached this Tribunal.

Shri A.V.Srivastava, learned counsel for the applicant has submitted that no such subsequent letter, as alleged by the applicants withdrawing the previous option, was received by the respondents.

The counsel for the applicant on the other hand, has placed before us that the document was submitted and the endorsement is there made by proper authority acknowledging the receipt of the same.

We have carefully considered the submissions and in our opinion ends of justice will be served if applicants are given liberty to make a detailed representation withdrawing their earlier option and annexing therewith the letters which they had submitted earlier. The representation if so filed, shall be considered by the Competent Authority namely, respondent no.2 Asstt. Engineer Northern Railway Shahjahanpur within a period of three months from the date of receipt of the copy of this order. The representation shall be decided by a detailed and reasoned order after hearing the applicant. However, there will be no order as to costs.


MEMBER(A)
VICE CHAIRMAN

Dated: 9th of May, 2002