

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 936 of 1997

Original Application No. 937 of 1997

Allahabad this the 18th day of January, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)

O.A.No. 936 of 1997

1. Babadeen, Son of Jagannath, Resident of Village South Kotwa, Jamunipur, Allahabad.
2. Ram Jiyawan, Son of Ram Autar, R/o Village Mal-khanpur, P.O. Hanumanganj, District Allahabad.
3. Ram Bahadur, Son of Raghbir, R/o Village Malkhan-pur, Hanumanganj, Allahabad.
4. Udai Raj, Son of Raghbir, R/o Village Malkhan-pur, Hanumanganj, Allahabad.
5. Shiv Moorat, Son of Jaggo, Resident of Village Malkhanpur, P.O. Hanumanganj, Allahabad.
6. Ram Naresh, Son of Gokul.
7. Brij Lal, Son of Ram Das, R/o Village Jamunipur, P.O. Jamunipur, District Allahabad, Allahabad Division, Northern Railway, Allahabad.
8. Samar Bahadur Singh S/o Raj Karan Singh, R/o 81-A, Purfate Mohammad Sahalam Post Naini, District Allahabad.
9. Munni Lal, s/o Siyambir Village Malkhanpur, Post Kotwa, Allahabad, worked as casual labour under permanent Works Inspector, Allahabad Division, Northern Railway, Allahabad.
10. Uma Shanker S/o Kamta Prasad, R/o Village Ramapur, P.O. Hanumanganj, Distt. Allahabad.

Applicants

By Advocate Shri H.P. Pandey

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.

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2. Divisional Rail Manager, Allahabad N.R.
3. Divisional Personnel Officer, Allahabad, Northern Railway , Allahabad.
4. Divisional Engineer, Engineering, Allahabad Northern Railway.

By Advocate Shri A.K. Pandey

O.A.No. 937 of 1997

1. Baijnath Son of Ram Swaroop, Resident of Village Malkhanpur, P.O. Hanumanganj, Distt. Allahabad.
2. Preetam Son of Hardayal, Resident of Village Malkhanpur, P.O Hanumanganj, District Allahabad.
3. Radhey Shyam, Son of Shiv Bhajan, Resident of Village Malkhanpur, P.O. Hanumanganj, District Allahabad.
4. Tej Pratap, Son of Raja Ram, R/o Malkhanpur, P.O. Hanumanganj, District Allahabad.
5. Ram Lekhan, Son of Prayag, Resident of Village Shaifabad, P.O. Utraon, District Allahabad.

All applicants worked under P.W.I.(I)Kanpur  
Applicants

By Advocate Shri H.P. Pandey

Versus

1. Union of India through General Manager,Northern Railway, Baroda House, New Delhi.
2. Divisional Rail Manager, Allahabad Northern Railway.
3. Divisional Personal Officer, Northern Railway, Allahabad.
4. Divisional Engineer, Engineering, Northern Railway, Allahabad.

Respondents

By Advocate Shri A.K. Pandey

*S.K.P.*

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O R D E R ( Oral )

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Since both the cases i.e. O.A.No.

936/97 and O.A.No.937/97 involved the controversy of similar nature, therefore, both the cases heard together and one order dictated for both the matters. The O.A.No.936/97<sup>to</sup> be the leading case.

2. In O.A.No.936/97 - Babadeen and nine others and in O.A.No.937/99 Baijnath and 4 others have sought relief of the similar nature to the effect that the respondents be directed to regularise their services in pursuance of Railway Board circular dated 03.9.96 and also for a direction that the applicants be engaged, as their juniors having less number of working days, have already been re-engaged by the respondents.

3. As per facts of the cases, the applicants previously preferred an O.A. before the Tribunal in which it was held that they have already worked for 240 days and, therefore, entitled to be brought on casual live register and also to be engaged on the ground that their juniors have already been engaged. In compliance of this direction, the respondents establishment brought them on casual live register but, did not ~~brought~~ provide them any job with specific mention that no junior having worked for lesser number of days has been engaged.

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4. Being not satisfied with this mention and in view of further developments in the matter, the applicants preferred the representations but of no avail, therefore, they have come up before the Tribunal seeking above directions.

5. The respondents have contested the cases, filed counter-reply mainly on the ground that no junior to the applicant has been preferred while providing any job and also that the referred circular of the Railway Board dated 03.9.1996 does not cover the applicants because it relates to those who were on roll on 30.4.1996, whereas none of the applicants was on roll at that time.

6. Heard the learned counsel for the rival contesting parties and perused the record.

7. The first relief sought in respect of Railway Board circular fails in view of specific mention in the Circular that it applies only to those who were on roll of the respondents on 30.4.96 and learned counsel for the applicants concedes that on this relevant date, none of the applicants was on roll.

8. On second relief, learned counsel for the applicants mentions that there are several instances where juniors to the applicants have

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been engaged ignoring the claim of the applicants but that could not be specifically pleaded for want of definite information because the records are not made available to them when the screening is done and fresh faces are engaged. He also mentions that if the screening report is made available, only then the specific instances may be quoted. Learned counsel for the respondents opposes this submission on the ground that there is no provision to make available screening report.

9. There is another assertion that on the one hand the respondents plead that they do not have vacancy to engage the applicants whereas they have surrendered more than one thousand posts during 1999-2000.

10. Keeping in view the above facts and circumstances, I find it expedient to dispose both the O.A.s with the following directions;

"In case the applicants make fresh representations within 2 months from the date of this order, the same be disposed by the respondents within 8 weeks thereafter with specific mention regarding the latest screening in the unit and the position of those who could clear that screening test and also regarding the alleged surrender of Class IV posts."

11. No order as to costs.