

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 998 of 1998

Allahabad this the 6<sup>th</sup> day of June 2001

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

Om Prakash Jha, aged about 36 years, S/o Shri Hari  
Saran Lal, R/o 10/1 Mahraj Pura Nagra, Jhansi.

Applicant

By Advocate Shri R.K. Nigam

Versus

1. Union of India through the General Manager,  
Central Railway, Mumbai CSTM.
2. Divisional Railway Manager, Central Railway,  
Jhansi Division, Jhansi.

Respondents

By Advocate Shri G.P. Agarwal

O R D E R

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

This application under Section 19 of the  
Administrative Tribunals Act, 1985 has been filed  
seeking a <sup>declaration</sup> direction to the effect that petitioner  
Shri Om Prakash Jha is a railway servant and is  
entitled to be given all the benefits ~~has~~ have been  
given to the recognised non-statutory canteen emp-  
loyees of the Railways as per dictate by Hon'ble  
Supreme Court in W.P.No.2276/86 M.M.R. Khan Versus  
U.O.I. & Ors., decided on 27.2.1990 and also as per

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provision in the Railway Board's circular dated 19.11.1990.

2. As per applicant's case he started to work as Vendor in D.R.M. Office canteen from 02.2.1978 and continued as such upto 10.2.1980 and then again from 18.2.1983 to 18.11.1984 and finally from 29.7.1988 till date. He has filed annexure A-1 in support of his contention. The applicant has also given details that in the intervening period he worked as Seasonal Waterman in D.R.M. Office, Jhansi. It has also been mentioned that he was called for screening for absorption in Group 'D' cadre and he qualified therein but has not been regularised. He made representations to this effect referring therein the observations by the Hon'ble Supreme Court in this regard and also the notification dated 19.11.1990, but the respondents have not responded to the same.

3. The respondents have contested the case on behalf of the respondents and C.A. filed.

4. According to pleading in the counter-reply there is mention that the applicant had never been a railway servant and so far as his position as casual labour is concerned, he was called for screening vide letter dated 10.2.1990 to appear before the Screening Committee on 12.2.1990, but the applicant failed to clear the screening on the ground that he could not produce the casual labour card.

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5. Considered the arguments placed from either side and perused the record.

6. It is quite evident from the pleadings in the O.A. and annexures thereto that the applicant is having his subsistence by working in the railway department right from 02.2.1978 till date i.e. for a span of more than 22 years. He also hopes to ~~etc~~ have some-thing from Railway Board's notification dated 19.11.1990, which has been issued in pursuance of dictate by the Hon'ble Apex Court in Writ Petition No.2276 of 1986. The representation by the applicant moved on 16-2-1998, copy of which has been filed as annexure A-6 to the O.A. is yet to be decided and, therefore, the present O.A. is finally disposed of with the following observation;

"The competent authority in the respondents establishment to decide the pending representation of the applicant dated 16.2.1998(ann.A-6) within four months from the date of communication of this order and to pass detailed, reasoned and speaking order keeping in view the above observations."

7. No order as to cost.

Member (J)

M.M.