

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 5th day of December 2001

Original Application no. 1403 of 2001.

Hon'ble Maj Gen KK Srivastava, Member-A.

Suresh Kumar Gupta, S/o Sri Hari Prasad,  
R/o Mohalla- Dharamshala Bazar (South),  
Infront of Allahabad Bank, Dharamshala Bazar,  
Gorakhpur City, Gorakhpur.

... Applicant

By Adv : Sri R. Verma

**Versus**

1. Union of India through the General Manager,  
NE Rly., Gorakhpur.
2. The Divisional Railway Manager,  
NE Rly., Lucknow.

... Respondents.

By Adv : Sri KP Singh

O R D E R

Hon'ble Maj Gen KK Srivastava, Member-A.

In this OA filed under section 19 of the A.T. Act, 1985, the applicant has prayed for quashing the impugned order dated 1.5.2001 rejecting the representation of the applicant dated 6.11.1999 and thereby denying re-engagement and regularisation of services of the applicant.

...2/-



2. The applicant had made a representation on 6.11.1999 which had not been decided. Hence, he approached this Tribunal through O.A. no. 80 of 2000 which was decided on 25.08.2000 with the direction to the respondents to decide the representation of the applicant. The impugned order (Ann. A-1) is in compliance to this Tribunal's order dated 25.08.2000. It has been admitted by the respondents that the applicant had rendered 393 days as casual worker in the respondents establishment and his name already stands entered at sl no. 135 in the Live Casual Labour Register (LCLR). The respondents have informed the applicant that no body junior to him as been regularised. Therefore, it is not possible to consider the case of the applicant. The learned counsel for the applicant Sri R. Verma has once more reiterated that 3 persons junior to the applicant i.e. Sri Jagdish Sahai, Sri Jagdish and Sri Ram Kewal are junior to the applicant as averred in paras 3, 4 & 5 of the O.A. Therefore, the contention of the respondents is not correct.

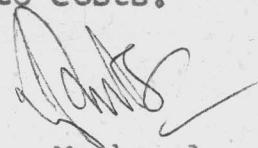
3. Sri K.P. Singh learned counsel for the respondents submitted that before coming to this Tribunal, the applicant should have represented to the higher authorities which has not been done, hence, the OA is not maintainable. However, he also submitted that the case of the applicant can be considered on his turn only.

4. In view of the submission of the learned counsel for the applicant, justice demands that the case of the applicant is examined afresh vis-a-vis the cases of Sri Jagdish Sahai, Sri Jagdish and Sri Ram Kewal alleged to be juniors to the applicant

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5. The OA is disposed of with the direction to the respondent no. 2 to examine the case of the applicant afresh ensuring that the applicant be regularised if any <sup>as alleged</sup> of his junior is regularised and the applicant will be informed about the outcome within a period of 3 months from the date of communication of this order.

6. There shall be no order as to costs.

  
Member-A

/pc/