

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD.

ORIGINAL APPLICATION NO.41 OF 2001

ALLAHABAD, THIS THE 12th DAY OF AUGUST, 2005

QUORUM : HON. MR. D.R. TIWARI, A.M.

Manik Chandra, son of, Sri Ram Bachan, Resident of,
Gopal Das Parjapati, 69-D/3A/A1, Chakiya, Allahabad.

.....

.....Applicant.

Counsel for applicant : Shri M.K. Upadhyay.

Versus

1. Union of India through the Comptroller & Auditor
General of India, New Delhi.
2. The Principal Accountant General, U.P.,
Allahabad.

.....

.....Respondents.

Counsel for Respondents : Sri A. Sthalekar

ORDER (Oral)

HON'BLE MR. D.R. TIWARI, A.M.

The instant O.A. has been filed for issuance of direction to the Respondent No.2 to include the name of the applicant in the casual labour register. He has further prayed for issuance of direction to the Respondent No.2 to engage the applicant as casual labour and be given priority in preference to his juniors and new comers.

2. During the course of arguments, counsel for the applicant has submitted that he has filed various representations for his engagement as a casual labour. It has also been submitted that applicant worked between 7.4.1983 to 30.12.1989. This has been contested very strongly by the counsel for respondents and he has drawn my attention to Para 3 of the C.A. that the contention of the applicant that he worked


D.R. Tiwari

between 1983 to 1989 is wrong and he was never engaged by the Respondents. He has also drawn my attention to Para 5 of the C.A. wherein ground for limitation has been taken and it has been submitted that the petitioner's representation from 1991 to 2000 does not extend the limitation. Counsel for the applicant submitted that his case is clearly covered by the Full Bench judgment of the Tribunal in which it has been laid down that the genuineness of the working days may be verified from the muster roll. The respondents have never said that they have verified it from the muster roll. This assertion was made by the applicant in his R.A. in para 5. The R.A. was filed in the year 2002 and it has not been replied to or any objection has been taken to this by the Respondents.

3. After hearing the rival submissions of the counsel for parties, I am of the view that the respondents may be directed to consider and decide the representation filed by the applicant on 16.10.2000. While deciding the representation, they are directed to verify it from the muster roll. If the name of the applicant is there on the muster roll, they are directed to take further necessary action in accordance with law for engagement of the applicant. The entire exercise may be completed within a period of six months from the date of receipt of a copy of this order.

4. The O.A. is disposed of in terms of the above direction.

No order as to cost.


A.M.

Asthana/