

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.73 OF 2001
ALLAHABAD THIS THE 25TH DAY OF FEBRUARY, 2003

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN

Anwar Ali,
aged about 42 years,
son of Shri Mansoor Ali,
resident of Village Modakala,
P.O. Baral,
Police Station, Chirgaon,
District-JhansiApplicant

(By Advocate Shri R.K. Nigam)

Versus

1. Union of India,
through General Manager,
Central Railway,
Mumbai CST.
2. Divisional Railway Manager,
Central Railway,
Jhansi.Respondents

(By Advocate Shri G.P. Agrawal)

O R D E R

By this O.A. filed under section 19 of Administrative Tribunals Act 1985, applicant has prayed for a direction to respondents to immediately take up the process of scrutiny of the applicant's physical working as casual labour/ MRCL and after the same is done, issue appointment order in favour of the applicant against one of the vacancies in Group 'D' Class IV cadre for which a time bound direction be given.



2. The facts of the case, as stated in the O.A., are that the applicant was engaged at Jhansi Division on 30.06.1977 as Casual Labour. In para 4.1 it is stated that ~~in 1977~~^{in 1978} he worked for 1408 days in broken spells between 30.06.1977 to August 1987. This factual aspect is not disputed. The same period of working has been shown in the letter dated 26.02.99 (Annexure-5). It appear that the applicant made representations on 06.11.1998 and 16.11.1998, copies of which have been filed as annexure 2 and 3. On these representations action could not be taken as the authorities were not certain as to in which Division the claim of the applicant will be examined. By order dated 26.02.1999, ~~which~~^{order} was for the first time directed that Jhansi division will examine the claim of the applicant. Even on aforesaid letter, when no action was taken, he has approached this Tribunal. Resisting the claim of the applicant CA has been filed.

3. Shri G.P. Agrawal, learned counsel for the respondents has submitted that this O.A. is barred by time and applicant is not entitled for any relief. It is also submitted that applicant is 42 years of age. It is submitted that after 1987 applicant has not worked anywhere in any capacity and this O.A. has been filed on 16.01.2001 i.e., after more than 13 years and the applicant is not entitled for any relief.

4. I have carefully considered the submissions made by the counsel. It is not disputed that applicant has worked ^{for} 1408 days. In paragraph 4.1 of the counter reply the days on which applicant worked in different years have been mentioned. From perusal of the same there is no doubt that in 1979 applicant had worked for more than required number of days and had become entitled for temporary status. When he made representations his claim was ~~rejected~~^{not entertained} by respondents on one or another ground, but it was entertained and on 26.02.1999

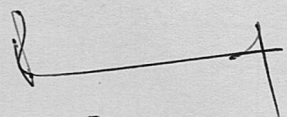
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order was passed that the applicant, ^{shall} appear in the screening ~~list~~ ^{test} of 1997 in Jhansi division. Thus, the claim of the applicant remained alive up to 1999.

5. Considering this aspect, in my opinion, applicant may be given one more opportunity to appear before DRM, Jhansi who will consider his claim in the light of the letter dated 26.02.1999 and pass orders in accordance with Rules.

6. The O.A. is accordingly disposed of finally with a liberty to the applicant to appear before respondent no.2 within a month from the date of receipt of a copy of this order. The respondent no.2 shall consider the claim of the applicant in the light of the letter dated 26.02.1999 (Annexure-5) and pass orders in accordance with Rules.

7. There will be no order as to costs.


Vice-Chairman

/Neelam/