

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 14th day of March 2002.

QUORUM : HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.  
HON. MR. S. DAYAL, A.M.

O.A. No. 1028 of 2001.

Sri Gaya s/o Sri Monogi r/o Village Lachhapur, Post Bhuchwan,  
P. S. Murzamurad, Dist. Varanasi..... .... Applicant.

Counsel for applicant : Sri B.P. Srivastava.

Versus

1. The Union of India through the General Manager, N.E.  
Railway, Gorakhpur.
2. The Divisional Railway Manager, N.E. Railway, Varanasi.  
..... .... Respondents.

Counsel for respondents : Sri K.P. Singh.

ORDER (ORAL)

BY HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.

By this O.A., the applicant has prayed for a direction to the respondents to regularise him as a Group 'D' employee.. Before filing this O.A. applicant approached this tribunal along with others by filing O.A. 36/97 which was disposed of on 3rd July 2000 by following direction :-

"In view of the above discussions, the respondents are directed to decide the pending representation of the applicant dated 16.12.96, within a period of six weeks from the date of communication of this order by passing detailed, reasoned and speaking order. No order as to costs."

2. In pursuance of the aforesaid direction, respondent No.2 DRM regularise those who had worked for more than 910 days. The applicant was not regularised. His claim is that he worked 1047 days but his claim has been rejected. In support of his claim, applicant has given facts in paragraph 4.14 and 4.15. Along with rejoinder, he has also filed certain documents in support of his claim. The claim of respondents, on the other hand, is that the applicant had worked only for 618 days. Sri K.P. Singh also submits that the claim of the



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applicant was rejected by the DRM on 4.4.2000. Sri B.P. Srivastava, Counsel for applicant submitted that this figure of 618 days had been worked out by the respondents without participation of the applicant and matter which applicant has in possession was not examined. In these circumstances, in our opinion, the ends of justice would be better served if the liberty be given that his case be put up before the respondents and the respondent No.2 may consider the claim of the applicant as fresh.

3. The O.A. is disposed of with the direction to Respondent No.2 to consider the representation of the applicant with regard to number of days he worked. The applicant shall file all the documents which he possesses in support of his claim before the respondent and the compliance of the ~~and~~ <sup>same</sup> will be done within four weeks, from the date of receipt of a copy of this order.

There shall be no order as to costs.



A.M.



V.C.

Asthana/  
15.3.02