

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 02nd day of September, 2004.

Original Application No. 142 of 2004.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

Anwar Ali a/a 43 years S/o Sri Mansoor Ali  
R/o Vill. Modakala, Post- Barel, Chirgaon,  
Distt. Jhansi.

.....Applicant

Counsel for the applicant :- Sri R.K. Nigam

V E R S U S

1. Union of India through General Manager,  
North Central Railway, Allahabad.
2. Divisional Railway Manager, North Central  
Railway, Jhansi.

.....Respondents

Counsel for the respondents :- Sri K.P. Singh

O R D E R

Heard Sri S.M. Ali, holding brief of Sri R.K. Nigam, learned counsel for the applicant and Sri D.P. Singh, holding brief of Sri K.P. Singh for the respondents and perused the impugned order dated 30.07.2003 (Annexure- 1) by which the applicant's claim for absorption/regularisation has been rejected on the ground that he was not eligible candidate. It would appear from the order impugned herein that the Railway Board had framed a policy for regularisation in the year 1996-97 wherein it was specifically mentioned that the casual labourers, who were on roll at the relevant time, "only be considered for regularisation". The finding of fact recorded in the order impugned herein is that the applicant was not on roll since 1987, hence his candidature for absorption/regularisation could not be considered at

the relevant time. The learned counsel for the applicant has failed to point out any document to establish that the applicant had worked at any time after 1987. Annexure-IV filed alongwith O.A only shows that the applicant had worked for total 1408 days in broken spells from June, 1977 to August, 1987 nor has he been able to produce scheme for regularisation. It is not the case of the applicant that he was entitled to be considered for absorption/regularisation on the basis of total number of days of service irrespective <sup>of</sup> whether he was in service in 1996-97 or not. In the circumstances, therefore, no exception can be taken ~~to~~ the order holding that the applicant was not eligible for absorption/regularisation. It may pertinently be ~~said~~ <sup>observed</sup> that the order impugned herein was passed in pursuance of the direction given by the Tribunal vide order dated 25.02.2003 passed in O.A No. 73/2001 (Anwar Ali Vs. U.O.I & Ors.).

2. Though the representation of the applicant has been rejected, <sup>& also</sup> on the ground that the applicant was not within the prescribed age limit correctness of which has been disputed on the premises that the applicant is entitled to age relaxation. I do not consider it necessary to go into <sup>question</sup> that for the reason that the scheme for regularisation is not itself applicable to the applicant since it was applicable to only those casual labourers who were on roll at the relevant time when the scheme was framed. Accordingly the O.A is dismissed with no order as to costs.

*Q&D*  
Vice-Chairman.

/Anand/