

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.143 OF 2004

ALLAHABAD THIS THE 29th DAY OF AUGUST, 2008

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

1. Vishnu Kumar Aged about 44 years Son of
(M.R.C.L.) W/Man, Shri Munni Lal R/o Gwaltoli,
Jhansi.
2. Parjesh Kumar Verma aged about 44 years Son of
(M.R.C.L.) W/Man, Shri Shital Prasad Verma R/o
Inside Laxmi Gate, Jhansi (Jusiyana Mohalla).
3. Nand Kishore aged about 39 years son of
Shri Munna Lal resident of Behind Sreenath (P.L.)
W/Man Palace, Station Road, Jhansi.

. Applicants

By Advocate : Shri R.K. Nigam

Versus

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

. Respondents

By Advocate : Shri K.P. Singh


ORDER

This application is filed seeking direction to the respondents for appointment in Class IV Group D category.


2. The brief facts of the case are that the applicants worked as Casual Labourer/MRCL in the commercial department of respondent no.2 at Jhansi. The applicants have been given casual labour card, and further stated that the physical working days of the

applicant no.1 is 1508 days, applicant no.2 1649 days and applicant no.129 days. The applicant further states that the call letter was sent by the respondents to one Shri Dhaniram who is similarly to the applicants called for screening test on 21.04.2003 for appointment against the regular vacancies in class IV category. Since the respondents have not given call letters to the applicants hence this OA is filed for the relief.

3. On notice the respondents have appeared and filed the counter affidavit, stated that to assess the number of eligible casual labours still available in Live Register/Supplementary Live Register, a proforma for calling Bio-Data of Ex-casual labour was prescribed by Divisional Railway Manager (P) Jhansi, letter dated 30.08.2001. As such instructions contained in the letter, Ex-casual labours were required to submit their bio data on the prescribed proforma latest by 30.09.2001 through Depot In charge. It is clearly mentioned in the same letter that particulars received in the office after cut off date shall not be entertained. It is also mentioned in the prescribed proforma that those casual labours who do not send their particulars till the last date, their name shall be struck off from Live Register and they will have no claim for consideration for recruitment by screening in Group 'D' category. It is further submitted that as per instructions contained in the Railway Board's letter dated 25.07.1991, 28.02.2001

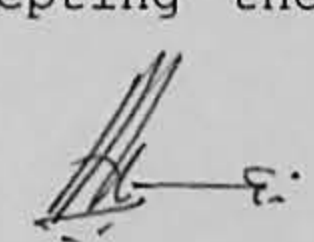


and 20.09.2001, Ex-casual labours were to be screened/absorbed only up to the upper age limitation of 40 ears in case of General candidates, 43 years in case of other backward caste and in the case of SC/ST candidates 45 years. As such those casual labours who submitted their Bio-data in prescribed proforma latest by 30.09.2001 and were within age limit as prescribed in the above Railway Board's letter were to be considered only for screening against group 'D' posts. It is further stated that applicant no.1 and 2 had been completed the age of 40 years on dated 14.07.1999 and 30.09.1999 as their date of births are 13.07.1959 and 01.10.1959 respectively, hence both applicants were over aged on cut off date and were not eligible for screening as per above Railway Boards letters dated 25.07.1991, 28.02.2001 and 20.09.2001. Whereas applicant no.3 had not submitted his bio-data by the cut off date as required vide letter dated 30.08.2001, so his fitment for eligibility to appear in screening could not be adjudged. That the Ex casual labours were to be screened as per their seniority order subject to fitment and fulfillment as per the instructions contained in the Railway Board's letters and in letter dated 30.08.2001. It is submitted that Dhani Ram has submitted his particulars on or before schedule date and was not over aged at the relevant time as his date of birth is 20.07.1966. As such Shri Dhani Ram had fulfilled the provisions as contained in the above letters. Hence the call letter dated 11.04.2003 was correctly issued as per rules and




question of calling the applicant for screening does not arise. Applicants cannot compare themselves with those juniors counterparts who fulfilled the instructions and other eligibility criteria as per above letters.

4. I have heard the learned for the applicant and the learned counsel for the respondents and perused the pleadings and the materials on record. Having regard to the statement made by the respondents that the applicant no.1 and 2 had completed age of 40 years on 14.07.1999 and 30.09.1999 on the basis of declaration of the date of birth by the applicants they are over age and are not eligible for consideration as per the Railway Board's letter dated 25.7.1991, 28.02.2001 and 20.09.2001, in the absence of any materials to show that the applicant no.3 had submitted his bio data before the cut of date, as the respondent have stated that the applicant no.3 had not submitted his bio data within time therefore screening could not be adjudged by the respondents and so far as the allegation of the applicant with regard to Dhaniram who is junior to the applicants case was considered by the respondents, for this the respondents have stated that Dhaniram submitted his particulars before the scheduled date, and at the relevant time his date of birth is 20.07.1966 and as such the respondents called him as he fulfilled, in view of this I do not find any merits in the contention of the applicants therefore accepting the



contentions of the respondents, applicants contentions are rejected.

5. In view of the foregoing reasons this OA is dismissed. No Costs.


Member-J

/ns/