

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1458 OF 2004

ALLAHABAD THIS THE 6TH DAY OF NOVEMBER 2008

HON'BLE MR. JUSTICE A. K. YOG, MEMBER-J

1. Munnu Lal, Son pf Pitai,
resident of Uthagi, O.P. Athrampur,
District-Allahabad.
2. Sukru Ram Son of Kallu Ram,
Resident of Village Jagdishpur Pure Chandra,
Post Tharwai, District Allahabad.
3. Chandra Kishore Son of Babu Lal,
Resident of 132/453, Babu Purwa Munshipurwa,
District-Kanpur.
4. Bachchi Lal son of Jaggu Lal,
Resident of 18/2 Karailabagh Colony,
Harijan Basti,
Allahabad.
5. Ashok Kumar, Son of Sohan lal,
resident of 220 Lukar Ganj, Karbala
Chauraha, Allahabad.

. Applicant

By Advocate : Shri Vinod Kumar

Versus

1. Union of India, through General Manager,
Northern Railway, Baroda House, New Delhi.
2. D.R.M. Northern Railway, Lucknow.
3. D.R.M. Northern Railway, Allahabad.

. Respondents

By Advocate : Shri D.S. Shukla & Sri A. K. Roy

O R D E R

1. Heard Shri Vinod Kumar Advocate, on behalf of the
above Applicants and Shri A. K. Roy Advocate, assisted
by Shri D.S. Shukla, Advocate on behalf of the
respondents.

(Signature)

2. These Applicants, according to them were engaged as Casual Labour/Safaiwala and having completed requisite period, eligible to be considered for regular employment as per Rules of the concerned Department. Applicants obtained an interim order in this OA which was challenged before Allahabad High Court and the said High Court, vide order dated 10.09.2007 in writ petition no.45217 of 2006 (Union of India Versus Munnu Lal and others), stayed operation of this interim order. Writ Petition was disposed of with the direction to CAT to decide the OA finally.

3. According to the applicant they were required to approach Lucknow Division for consideration but they could not be regularized due to non-availability of 'vacancies' and this shows that the applicants were, prima facie, treated eligible for absorption in job on regular basis. According to the respondents, even such eligible candidates have, who were called earlier but not absorbed having become over age and therefore, now not eligible.

4. Learned counsel for the respondent, however, on the other hand refers to the fact that candidature of the applicant was rejected on the ground of over age when they sought opportunity to be screening in the year 2005. Learned counsel for the applicant has placed reliance upon para 2006 (iii) of Railway Establishment Manual Volume-II to show that in case a

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casual labour has been enrolled within 'prescribed age limit', relaxation in upper age limit may be considered as per said Para 2006 (iii) and DRMs may exercise such powers to grant relaxation in age limit.

4. Cumulative effect of aforequoted provision of Railway Establishment Manual, as well as the instruction issued on the subject, from time to time, is to consider 'relaxation of age' ascertain and then determine the question of eligibility. This exercise appears not to have been done.

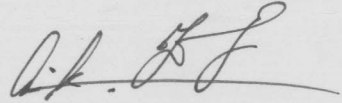
5. In view of the above, I direct the applicant file a comprehensive representation giving all requisite relevant facts in respect of their claim, the concerned authority to consider their case individually and in case it is found that applicants are 'over age', then to pass a speaking and reasoned order disclosing the 'facts' and the Rule 'in question'.

6. In view of the above applicant are required to file a clear comprehensive parawise representation within six weeks from today (disclosing Rules, /Circulars, etc.) in support of their claim before D.R.M. Northern Railway, Allahabad who may himself or (through other competent officer) within two months of receipt of Representation and certified copy decided said representation (as indicated above in this order) by passing a reasoned and speaking order in accordance

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with law. Decision taken shall be communicated
forthwith to the applicant's.

7. OA stands disposed of finally subject to above
observations. No costs.



(JUSTICE A. K. YOG)
Member-J

/ns/