

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated: This the 7th day of February, 2005.

Original Application No. 163 of 2004.

HON'BLE MR. K.B.S. RAJAN, MEMBER (J)

1. Jugal Kishore, S/o Sri Munna Lal.
2. Kishan Lal, S/o Sri Kashi Ram.
3. Hari Ram, S/o Sri Natthu.
4. Om Prakash, S/o Sri Jagannath Prasad.
5. Asha Ram, S/o Sri Hajari Lal.
6. Jamuna Prasad, S/o Sri Jamuna Prasad
7. Suresh Kumar, S/o Sri Tota Ram.
8. Prakash Chand, S/o Sri Kamla Prasad.
9. Nand Kishore, S/o Sri Bhujbal .
10. Ramesh Kumar, S/o Sri Gyasi Lal.
11. Ashok Kumar, S/o Sri Panna Lal.
12. Nirpat S/o Sri Munna.
13. Sunder Lal, S/o Sri Aman
14. Bhwneshwar S/o Sri Masalti Raikwar.

.....Applicants

By Adv: Ms. Alrafio Basher & Sri R.K. Nigam


V E R S U S

1. Union of India through General Manager, North Central Railway, Allahabad.
2. Divisional Rail Manager, North Central Railway, Jhansi.
3. Permanent Way Inspector, North Central Railway, Lalitpur.
4. Station Superintendent, North Central Railway, Jhansi.
5. Station Superintendent, North Central Railways, Khajarah (Jhansi Babina Section).

..... Respondents

By Adv: Sri D.C. Saxena

O R D E R

 The applicants 14 in number, who had worked on different spells in 1980, are aggrieved on their not having been screened and absorbed as Group 'D'

employees in the Railways. The respondents on the other hand blamed the very applicants stating that they had not come forward with particulars of engagement duly supported by the documentary evidence.


2. 14 Applicants have no doubt served in the Railways as Casual labourers and they possessed the requisite qualification of 8th passed for being considered on regularisation to Group 'D' posts. On 22.8.2001, the Railway Board issued a circular in regard to absorption of ex-casual labourers born on the live/supplementary live casual labour registers, According to which, ex-casual labourers born on live casual labour register will first be considered for absorption strictly as per their turn according to seniority based on the total number of days put in by them. It is thereafter after ex-casual labourers born on Supplementary live casual register will be considered in accordance with the number of days put in by them prior to 1.1.1981. On 30.8.2001, the DRM, Jhansi, instructed his subordinate authorities to take necessary action in regard to absorption of casual labourers on the basis of the aforesaid order of the Railway Board. Alongwith the said communication dated 30.8.2001, a list of ex-casual labourers born in the live casual labour register and supplementary live register were forwarded and exactly one month's time was given to concerned ex-casual labourers to take up the necessary steps in

filling up the proforma. The applicants claimed that they had furnished their particulars for the purpose of screening and absorption to their last controlling authorities, but as no action was taken, joint representation on 22.9.2003 was given. Since there has been no response, this OA came to be filed.

3. The respondents have contested the O.A. According to them, applicant no.1 has not completed the requisite service period for eligibility. The applicant no.2 fell short by 05 days. The applicant no.3 worked only 95 days. Applications of applicant nos.4, 5, 6, 9 and 10 were not received. The applicant nmo.7 could complete only 107 days and applicant no.8 had 41 days credit of work. The applicant no.11 had completed only 111 days while applicant no.12 and 13 have completed a meager 15 days each and applicant no.14 had completed only 20 days. In view of the aforesaid, according to the respondents, applicants are not entitled to the benefit of order dated 28.2.2001.

4. Rejoinder and Supplementary Affidavits were also exchanged thereafter.

5. Written submissions were called for and the same have also been filed.



6. The dispute arises only in respect of non receipt of applications in the case of a few and deficiency in the number of working days in respect of others. The Railways have not furnished any document to substantiate their contention that in case of some of the applicants the number of working days fell short of 120 days. As a matter of fact on receipt of the applications, the respondents ought to have called for full details and also responded in case the applicants were not eligible for screening. There was only a sphinx silence from the Railways thereby the applicants had to pen another joint representation on 22.9.2003. This also did not evince any response from the respondents. In the case of those whose applications were stated to have not been received, here again the respondents, atleast on receipt of representation dated 22.9.2003 could have asked for evidence in support of the dispatch of the application. This also has not been done. Thus, the applicants alone cannot be blamed for such a situation. The records are, therefore, to be verified once again. If the applicants fulfill the requirement, they are fully eligible for being screened. As such, the only option available is that the applicants, on a day fixed by the respondents, should visit the office of the respondents with all the documents in their hand and such documents alongwith the records available in the office should be duly compared and verified and if the applicants are within the age limit of 40

years as on 30.9.2001 (with due relaxation for the SC/ST candidates as per the rules) and if the applicants otherwise fulfill the requirements, the respondents shall arrange screening of these applicants; where the requisite number of days of work were not available with any of the applicants, the same should be got recorded and the applicants' signature obtained thereon and the same be kept in records. This will facilitate the respondents in defending their case should there be any further applications from the un-successful applicants.

7. In view of the above, the O.A. stands disposed of with a direction to the respondent nos.3 to 5 to undertake the exercise of verification of the details of the applicants for which necessary date(s) convenient to them shall be decided and all the applicants be accordingly informed so that the applicants would be able to present themselves with relevant records for consideration by the said respondents in verifying the details. The respondent nos. 3 to 5 shall intimate the applicants the date(s) for verification within a period of one month from the date of receipt of that order and the date(s) for verification shall be ~~a~~atleast three clear weeks from the date of dispatch of communication to the applicants. After verification, further action should be taken within a period of three months thereafter. It is made clear that so far as the number of working days of the applicants

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is concerned, we have not considered the same, and it should be verified only on the basis of documents of the applicants and records with the department. Costs easy.



MEMBER-J

GIRISH/-