

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1500 of 2004

Allahabad this the 06th day of December, 2004

Hon'ble Mr. D.R. Tiwari, Member(A)

1. Kanchedi Lal, aged about 41 years, Son of Shri Govind Das Resident of 366, Nainagarh, Nagra, Jhansi.
2. Krishna Gopal Singh, aged about 43 years, Son of Shri Indrapal Singh, Resident of 25/18 B, Hatha Pyare Lal, Nagra, Jhansi.

Applicants

By Advocate Shri S.M. Ali

Versus

1. Union of India through General Manager, North Central Railway, Allahabad.
2. Divisional Railway Manager, NORTH CENTRAL RAILWAY, JHANSI.
3. Chief Medical Superintendent, Northern Central Railway, Jhansi.

Respondents

By Advocate Shri D.P. Singh
brief holder to Shri K.P. Singh

ORDER (Oral)

By Hon'ble Mr.D.R. Tiwari, Member(J)

By means of this O.A. filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for following reliefs:-

- i) To issue a writ, order or direction in the nature of mandamus commanding the respondents to immediately re medical the petitioners and regularise them against the existing vacancies

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of Ex Casual labour.

- ii) To issue any other suitable order in favour of the petitioners as deemed fit by this Hon'ble Court in the facts and circumstances of the case."

2. Briefly stated the facts are that the applicant was appointed as Casual Labour/Khalasi and they have worked for more than 120 days and they had acquired status of M.R.C.L., and are also getting railway passes. The applicant no.1 has worked from 17.05.1983 to 22.07.1991 whereas applicant no.2 worked for 27.08.79 to 31.05.86. In pursuance of notification dated 30.08.2001, the applicants send their bio data alongwith other documents as Ex Casual Labour. Call letter was issued to the applicants by Divisional Railway Manager, Jhansi after screening for appointment in Group 'D' category. The applicants were supposed to be medically examined. The applicants' counsel submitted that the Medical Officer treated them as fresh candidate and declared them unfit. It is submitted that as per the provisions of Indian Railway Establishment Manual, Volume II the Ex Casual labours are examined with relax standard prescribed for re examination(annexure A-6). Since the relax standards were not applied in the cases of applicants they have been declared unfit. In order to get this grievance redressed, the applicants have submitted representations to the competent authority, which are at annexure-9 and 10. It appears that they are pending with the competent authority.

3. In view of facts and circumstances mentioned

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above, it appears just and proper to direct the competent authority(Divisional Railway Manager(P)- respondent no.2) to consider and decide the representations of the applicants by a reasoned and speaking order within stipulated period.

4. Accordingly, the O.A. is finally disposed of at the admission stage with direction to respondent no.2 to consider and decide the representations filed by the applicants(annexure-9 and 10), by a reasoned and speaking order to be passed and communicated to the applicants within a period of 3 months. No order as to costs.

Deena
Member (A)

/M.M./