

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

...

ORIGINAL APPLICATION NO. 634 OF 2004

this the 29th day of June'2004.

HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)

1. Mohd. Azam Khan, S/o Sri Mohd. Jameel Khan.
2. Dev Narain Sharma, S/o Sri Fauzdar Sharma.
3. Bhunesh pratap Singh, S/o Sri Balbhadra Singh.
4. Awadh Kishore, S/o Sri Ram Chandra Prasad.
5. Dinesh Prasad, S/o Sri Moti Lal.
6. Shukhai, S/o Sri Shiv Govind Singh.

Applicants.

By Advocate : Sri A.K. Srivastava.

Versus.

1. Union of India through General Manager,
North Eastern Railway, Gorakhpur.
2. Divisional Railway Manager, North Eastern
Railway, Varanasi Division, Varanasi.
3. Sr. Divisional personnel officer, North
Eastern Railway, Varanasi Division,
Varanasi.

Respondents.

By Advocate : Sri K.P. Singh.

ORDER

This O.A. has been filed by six applicants who are claiming the same relief(s). Accordingly, M.A. no. 2688 of 2004 for joining together is allowed.

2. All the applicants are aggrieved by the order dated 17.6.2004 (page 12) ^{whereby} the respondents are holding screening test for Substitutes (new faces) for class IVth who were engaged only from the year 1997 onwards, whereas applicants in the O.A. were engaged as back as on the



year 1977 to 1980.

2. It is submitted by the applicants that all the applicants were conferred with temporary status and were assigned seniority position also in the year 1991 at Sl. nos. 2, 25, 47, 48, 69 and 70 respectively in the Signal and Telecom department itself (page 16), but still they have been ignored when screening is to be done for regularising casual labourers for class IVth posts.

3. It is further submitted by the applicants that they have already given a representation to the D.R.M., N.E.R., Varanasi on 22.6.2004 (page 21), but till date no reply has been given to them and unless their rights are protected, new faces who ^{have B} ~~are~~ joined much later, would be considered for absorption in class IVth posts and they would be deprived of their rights for consideration.

4. I have heard counsel for the applicants and feel that since this case involves the question of fact ^{which} ~~that~~ ~~it~~ would have to be adjudicated first by the authorities concerned after verifying the factual position from the records. Therefore, this O.A. is being disposed off at admission stage itself by giving a direction to the respondent no.3 to treat this O.A. itself as a representation and to decide the same after verifying the actual working of the applicants from the records within a period of two months from the date of receipt of copy of this order by passing a reasoned and speaking order under intimation to the applicants.

5. It is made clear that if in the meantime any screening is carried-out pursuant to the notification dated 17.6.2004, the result of the same shall be subject to the final decision taken by the authorities on the applicants' representation. Incase the applicants are



still aggrieved, they shall be at liberty to approach the Court. The O.A. is accordingly disposed of with no order as to costs.

A handwritten signature in black ink, consisting of a stylized initial 'J' followed by a horizontal line.

MEMBER (J)

GIRISH/-