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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1505 OF 2005

ALLAHABAD THIS THE 24th DAY OF JULY 2008

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

Ishaq Khan aged about 42 years,
S/o Maan Khan, R/o Gram Dongarpur, Post Zora,
District-Shoupur (M.P.)

.....Applicant

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.

.....Respondents

By Advocate : Shri S. S. Agnihotri

O R D E R

This application is filed seeking direction to the respondents to absorb in Group 'D' Class IV post.

2. The case of the applicant is that on different spells he has worked in the respondent's department. In support of the said contention the applicant has produced Annexure A-2 and the certificates on the basis of the same it is stated that the respondents have failed to regularize the service of the applicant, on taking into account of the fact that the applicant has completed 120 days of service, in view of the circular of the Railway Board which makes a procedure for regularization of the casual



labourers. Since the respondents have failed to regularize the service of the applicant this application is filed seeking above reliefs.

3. On notice the respondents have filed the counter affidavit contending that the applicant has not completed 120 days as he has submitted forged documents, but further the contents of the documents which he has produced are also not complete to the satisfaction of the respondents to show that the applicant has completed 120 days as contended in the OA. On the other hand the respondents have stated that even though the applicant's name found in the Live Casual Labour Register and he is at serial no.57 shown as 23.03.1985 to 04.05.1985 but since the applicant is not fulfilling the requirement of the regularization the respondents sought for dismissal of this OA.

4. On earlier occasion by order dated 12.02.2008 to ascertain the veracity of the statements made by the learned counsel for the applicant the respondents are directed to produce the Live Casual Labour Register, accordingly the learned counsel for the respondents produced the same in pursuance of the order dated 12.02.2008 for my perusal and I have seen the same and the same documents is returned to the learned counsel for the respondents which support the contentions of the respondents.



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5. In view of the facts and circumstances of the case, the case of the applicant is that he has completed 120 days, therefore he is entitled for absorption or regularization in service by the respondents. To support the said contention the documents which has been shown by the applicant himself goes to show that he has not completed 120 days, on the other hand he has completed 101 days even on the basis of the respondent's counsel statement and documents the applicant has not completed 120 days, based on the averments the difference is of one day, therefore, it is clear that the applicant has not completed 120 days of service. In view of the matter no direction can be issued to the respondents for consideration of the case of the applicant, therefore, rejecting the request of the applicant this OA is dismissed.

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


Member-J

/ns/