

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

This is the 24th day of August, 2021

ORIGINAL APPLICATION NO. 330/1697 of 2014

**HON'BLE MR. TARUN SHRIDHAR, MEMBER (A)
HON'BLE MS. PRATIMA K GUPTA, MEMBER (J)**

Om Prakash son of late Shri Medho Prasad resident of House No. 182-B
Sohabatia Bagh, District Allahabad.

.....Applicant.

Advocates for the Applicant : Mr. Dharmendra Tiwari

VERSUS

1. Union of India through General Manager, North Central Railway, Subedarganj, Allahabad.
2. Divisional Railway Manager, Northern Central Railway, Allahabad.
3. Chairman, Railway Recruitment Cell, Northern Central Railway, Allahabad.
4. Assistant Presiding Officer, Recruitment Railway Cell, Northern Central Railway, Balmiki Chauraha Nawab Yusuf Road, Allahabad.

.....Respondents

Advocate for the Respondents : Shri Anil Kumar/Shri L.M. Singh

ORDER

BY HON'BLE MR. TARUN SHRIDHAR, MEMBER (A)

Heard Shri Dharmendra Tiwari, learned counsel for the applicant and
Shri L.M Singh, learned counsel for the respondents.

2. By virtue of this Original Application, the applicant seeks the following
reliefs:-

*“(i) The respondents may be directed to amend the advertisement
for recruitment of Group (D) to the effect that one vacancy in*

regular category may be kept reserve or applicant may be appointed as per the earlier direction of this Hon'ble Tribunal on the said post.

- (ii) The impugned advertisement dated 5.8.2013 published in Rojgar Samachar may be set aside on the ground that the same is circulated without considering the seniority of ex-casual labour.*
- (iii) It is further prayed that the respondents authorities may be directed to abstain from making direct recruitment in Group D post unless and until all the ex casual labour who are waiting for reengagement/absorption in railway recruitment services.*
- (iv) Issue such other and further order or direction which this Hon'ble Tribunal may deem fit and proper in the nature and circumstances of the present case.*
- (v) The Hon'ble Tribunal may graciously be pleased to allow heavy cost in favour of the applicant”.*

3. Learned counsel for the applicant argues that this matter was agitated earlier in OA NO. 1751/1993 wherein vide order dated 29.08.2000, this Tribunal had directed the respondents that the name of the applicant be included in the Live Casual Labour Register from the date he was medically examined and he may be provided work according to his seniority in accordance with rules. It was directed in the same order that the applicant shall not be entitled to back wages.

4. Learned counsel for the applicant would argue that the relief provided in the aforesaid OA is clear that applicant was to be regularized against existing and future vacancies by respecting his seniority. He further points out that on the other hand respondents have provided the regular appointment to some people who were junior to the applicant in the Live Casual Labour Register and some other people who were similarly placed.

5. Learned counsel for the respondents, on the other hand, points out that the relief sought by the applicant is not admissible at this stage as the relief is non-specific and in fact assails the policy and general decisions of the Organisation.

6. Learned counsel for the applicant submits that he is only pressing for relief No.1 and would not like any adjudication on other reliefs.

7. We have heard learned counsel for the parties and also examined the documents on record. In our view it is not correct to interpret the earlier order of the Tribunal as a specific direction to provide regular appointment to the applicant. The direction was limited to retaining his name in the Live Casual Labour Register and considering his case in accordance with his seniority in case he was entitled to the post. There is nothing on record as an evidence to show that other people who were given regular appointment, which has been mentioned in the supplementary affidavit, filed by the applicant were either junior to the applicant or less meritorious or were not entitled to regular appointment. Moreover, the reliefs sought by the applicant are more in the nature of Public Interest Litigation rather than any specific relief. Even though the learned counsel for the applicant is pressing for the first relief, a bear reading of relief shows that applicant is primarily seeking amendment to an advertisement for the recruitment to Group 'D' which was issued as far back as 5.8.2013 and also seeking reservation of one vacancy for him pursuant to the advertisement. It needs no further deliberation to determine that such a relief is not admissible and this is too belated a stage to take a decision on the advertisement issued in the year 2013 or to give a direction that the advertisement would specifically mention that particular post is reserved for a particular person who has claimed on it. In our view no useful

purpose would be served in further agitating this matter because prima facie the relief sought by the applicant by virtue of this OA are not admissible. The OA is accordingly dismissed. No costs.

8. Hon'ble Ms. Pratima K Gupta, Member (Judicial) has consented to this order during virtual hearing.

(PRATIMA K GUPTA)
Member (J)

(TARUN SHRIDHAR)
Member (A)

Manish/-