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THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH-ALLAHABAD.

D.A. NO. 1044 of 1987

Avdhesh Kumar Shah, ..... Applicant.

Versus

D.R.M. N.E.R. Izzatnagar & others ..... Respondents.

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D.A. 911 of 1987.

Om Perkash ..... Applicant.

Versus

D.R.M., N.E.R. Izzatnagar & others ..... Respondents.

Hon'ble Mr. Justice U.C. Srivastava-V.C.

Hon'ble Mr. K. Obayyan- A.M.

(By Hon'ble Mr. Justice U.C. Srivastava-V.C.)

In these two cases the applicants are time scale Khallasi having temporary status and they were working in the Signal and Telecommunication Department of N.E. Railway Izzatnagar Division for the last several years i.e. 1980 or near about. In 1986 they were sent to work under Signal Inspector Mathura Centt. It is to be noticed that they had already acquired temporary status and various facilities available to the Temporary employees like Bonus, Provident Fund, Leave etc. were given to them. Vide order dated 20.6.87, the applicant and other temporary Khallasi were directed to report to the Divisional Signal and Telecommunication Engineer Izzatnagar for further allotment of duty.

At Izzatnagar 20 employees were directed to report to the Asstt. Engineer Fatehgarh and 20 employees were directed to report to Assistant Engineer, Pilibhit for further work. The applicants are also amongst those persons, but no work was allotted to them and they made frantic efforts for the same and after failing in the same, they have approached this Tribunal praying that respondents no. 1 and 2 be directed to treat them in continuous service as time scale Khallasi in the Signal and Telecommunication Department and to pay a salary regularly every month and they may also be regularised as Class IVth Employee against the regular vacancies. Similary placed persons approached this Tribunal earlier and in the case of Ram Parvesh Rai Versus Union of India O.A. No. 913/87 decided on 23.7.1992. We have passed the following order:-

" But because his services have not been terminated, the applicant will be deemed to be continued in his service and the respondents are directed to assign

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him the work. Let it be done within a period of one month from the date of communication of this order. The applicant will be deemed to be continued in service, ~~he will not be deemed to be continued in service, he will~~ not be entitled to back wages though he may get other benefits of the same. The question of his absorption may also be considered when his turn comes. With these observations, the application stands disposed of finally. No order as to the costs.

We decide this application on the very same terms and meaning thereby that the same order which extracted above will apply in this case also.

Member

Dt: Sept. 3, 1992.

(DPS)

Vice Chairman.