

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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Registration O.A. No. 171 of 1988

Shri Shanker Applicant.

Versus

Divisional Railway Manager,
N.E.R. Izatnagar Division, Izatnagar
and others

Respondents.

Hon. Mr. Justice, U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant started working as 'Casual Labour' in the Telecommunication Department of the North Eastern Railway Izatnagar Division, Izatnagar, in the Month of April, 1980. He has been working since then and attained temporary status, though with broken period. The applicant continuously worked under the Signal Inspector-IPilighit till 30.6.1987 when he was relieved by the Signal Inspector and directed to appear before the Signal & Telecommunication Engineer Izatnagar for allotment of further work in the Izatnagar Division, but no allotment in writing was given. He made repeated attempts for allocation of duties but the duties were not allotted to him with the result, he had to stay at Pilibhit. Coming to learn that the other persons with him who were employed at Pilibhit and had been allotted further works at Fatehgarh from Pilibhit, the applicant also contacted the Assistant Engineer, Pilibhit and learnt that an order has been issued by the Divisional Signal and Telecommunication Engineer, Izatnagar, whereby names of 26 persons have been forwarded for allocation of work but his name does not find place in the same. on 5.1.1988, the applicant approached

to the Assistant Engineer Telecommunication, Fatehgarh but he too denied him for allocation of the work, though the persons junior to him were taken back in service, and even then the vacancies were existing, but duties were not allocated to the applicant.

2. The respondents have admitted in ^{the} his counter that the applicant has attained a Temporary Status but have denied the claim of the applicant that he is entitled to the benefit of the Industrial Disputes Act. According to the respondents, the applicant was asked to join duty at Fatehgarh but he did not report there though, the persons who joined their duties at Fatehgarh and Pilibhit, they are discharging their duties and are drawing all facilities. It is difficult to accept, that the applicant who was running from pillar to post was avoiding for joining his duties. Similar matter came up before us In O.A. No. 913 of 1987, decided on 23.7.1992 and the facts of this case are identical with the same and the applicant is also entitled to the relief granted in O.A. No. 913 of 1987.

3. Accordingly, this application is also allowed and the respondents are directed to allocate the duties to the applicant within a period of 1 month and the applicant shall be deemed to be continuing in service but he shall not be paid any back wages from the date he has not worked upto the period of 1 month from today. The question of his absorption will also be considered but in order of seniority when his turn comes. The application is disposed of with the above terms. No order as to costs.

R. Bhagat
Member (A)

Dated: 24.7.1992
(n.u.)

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Vice-Chairman