

THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD

Original Application No.1086 of 1988

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Gopi Lal

... Applicant

Versus

Union of India & others

... Respondents

HON'BLE MR. MAHARAJ DIN- MEMBER(J)
HON'BLE MISS USHA SEN- MEMBER(A)

(By Hon'ble Miss Usha Sen - A M)

The counsel for the parties were heard.

The facts of the case are briefly as under:

The applicant was appointed as a casual labour on daily wage basis on 23-8-76 under the Signal Inspector, R R I, Northern Railway Kanpur. He worked continuously upto 3-11-80. He was discharged from service on 4-11-1980 because he remained in custody on account of a case of theft of Railway Property from 4-11-1980 to 10-11-80 and was thereafter convicted and punished with rigorous imprisonment for one year and was sent for probation for one year^{for} Nekchalani on a security bond of Rs.2000/- and Muchalika for the same amount. He was again engaged on a casual basis w.e.f. 11-5-84. The respondents state that he got himself reengaged by concealing the fact that during this previous spell of engagement he had been involved in the aforementioned theft case. The applicant was still working as a daily paid casual labourer when this O.A. was filed on 20-9-88. The relief sought for by the applicant is that he should be treated as a temporary employee after 4 months of his appointment with consequential benefits. The respondents state that he can be granted the C P C scale i.e. the scale of a temporary employee only after he is cleared of the charge of having got himself reengaged w.e.f. 11-5-84 by concealing the fact of his previous conviction. The applicant has stated in his rejoinder that he was reengaged on 11-5-84 because the probation period was over and not on the basis of having concealed the fact of his earlier conviction.

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During the course of hearing the counsel for the applicant stated that the applicant had since been absorbed as a regular employee in the year 1990. He also mentioned that the applicant had earlier been screened for regular absorption on 19/20-12-77 and was placed at Sl.No.600 of the panel vide the list published in 1978. A number of his juniors were regularised w.e.f. the year 1980 (date not mentioned) but the applicant was not regularised because of his conviction.

Since the applicant has already been absorbed as a regular employee he has to a large extent got the relief prayed for. In case however he has any further grievance with regard to the date of his regularisation we consider that he should make a representation in this behalf to the respondents. In case such a representation is made we deem it fit to direct and do hereby direct the respondents to consider the same on merit and give a reasoned reply within two months of the date of receipt of the representation. ^{With} ~~With~~ this direction the O.A. is disposed of. No order as to costs.

Usha K.
MEMBER -A

[Signature]
MEMBER -J

Dated: Allahabad March 24, 1994.

(IS PS)
