

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

O.A.NO. 1129 of 1988

Balak Ram & others ... Applicant.

Vs.

G.M., Northern Railway ... Respondents.  
& others

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Hon'ble Mr. Justice K.Nath - V.C.  
Hon'ble Mr. Ajay Johri - A.M.

By this application made under section 19 of the Administrative Tribunals Act 1985. The applicant, who had worked prior to 4.10.78 on the Northern Railway in the capacity of a casual labourer and who is alleged to have been medically re-examined consequent to a decision by the respondents to consider those who had failed in medical examination for a higher medical category, in an earlier examination, for re-examination for a lower medical category has approached this Tribunal for a relief that a direction be issued to respondents to absorb him against regular vacancy in the Loco shed/ Maintenance department of Northern Railway from such date that he is placed and treated senior than the person shown junior to him at the time of screening. He has also claimed the relief that he is entitled to full back wages and seniority and other service benefits. There is also a prayer that in case there is any policy decision taken by the respondents to the effect that only those casual labourer will be absorbed who had worked after 30.12.80/ 1.1.81, the same may be declared illegal and quashed.

2. We have heard Sri A.K. Dixit the learned counsel for the applicant. Sri Dixit contends that in pursuance of the Hon'ble Supreme Court's order the

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Railways have circulated a scheme for regularisation of the casual labourer who had worked for certain periods during certain years and in pursuance of that scheme, the applicant should be considered by the respondents. Sri Dixit submits that a suitable direction may be issued to the respondents to consider the applicant according to this scheme.

3. We have considered the matter. It is true that the railway have circulated a scheme for regularisation of casual labourer who had worked for certain periods upto particular dates as laid down in the scheme. We feel that this case can be disposed of at the admission stage by issue of a direction to the respondents to consider the case of the applicant in case, he is found eligible and his case falls within the parametres laid down in this scheme of regularisation of casual labourer. If he does not fall within the scheme a suitable reply may be given ~~respondents~~ to him in response to his representations which the applicant alleges are pending <sup>by the respondents</sup> with. The respondents are also directed to take final action on these directions within a period of three months from the date of receipt of this order. <sup>3/4 A</sup> The copy of the paper book meant for the respondents be also sent to the respondents.

4. The application stands finally disposed of accordingly at admission stage. We make no order as to costs.

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MEMBER (A)

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VICE-CHAIRMAN.

24.4.1989.

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