



OPEN COURT

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Dated: ALLO. on this

24<sup>th</sup> day of December, 1957.

COURT:

Hon'ble Mr Justice B C Saksena, V.C.  
Hon'ble Mr S Das Gupta, A.M.

ORIGINAL APPLICATION No.231 OF 1989.

Roshan Lal S/o Shri Bhola Nath  
aged about 32 Years, R/o Vill-  
Bamhrauli, Post: Sahjadpur,  
P.S.- Kokhraj, Tehsil-Sirathu  
Dist: Allahabad.

... Petitioner

(C/A Shri Satish Dwivedi)

Vs.

- (1) Union of India, through the  
General Manager  
Northern Railway, Baroda House  
NEW DELHI
- (2) The Divisional Rail Manager  
Northern Railway, Allahabad
- (3) The Chief Signal Inspector  
Northern Railway, Allahabad
- (4) The Signal Inspector (West)  
Northern Railway, Allahabad
- (5) The Signal Inspector (O) II  
Northern Railway, Allahabad
- (6) The Signal Inspector (O) I  
Northern Railway, Allahabad

... Respondents.

(C/R Shri A K Shukla )

ORDER  
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(By Hon'ble Mr S Das Gupta, A.M.)

The applicant in this O.A. filed under section  
19 of the Administrative Tribunals Act, 1985, has claimed that

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he had worked from 10.06.1974 till 18.04.1988 without brakes as Casual Khalasi and having worked more than 120 days or 360 days, had acquired temporary status. However, his services were terminated on 19.04.1988 by an oral order without being given any notice or pay in lieu of notice. Challenging the said order, the applicant has prayed that he be reinstated in service with all consequential benefits.

2. Respondents have appeared and contested the case by filing C.A. in which it has been specifically stated that the applicant had worked as Casual Khalasi from 23.03.1988 to 08.04. 1988 although applicant has denied this contention in the R.A. and has reiterated his contention in O.A. regarding the period of service. However, the applicant has not enclosed any document in support of his contention. In fact, in the O.A. he has indicated that he had annexed photocopy of casual labour card but the entry in this regard was subsequently struck out. Similarly, in the RA also there is a mention of an annexure which is purported to be a photocopy of casual labour card. However, no such annexure is enclosed to the RA. It is only in the SRA that he has enclosed a photocopy of a document which is purported to be Casual Labour Card in which there is no indication that he had worked between 10.06.1974 and 14.07.1974 (98 days) and thereafter from 23.01.1979 till 25.09.1979 for the total period of 206 days. There is also another entry regarding his working from 09.01.1985 to 29.05.1985 for a period of 100 days.

3. We have noted that the applicant did not file any Casual Labour Card with the original application. Subsequently, when he filed rejoinder he had not annexed photocopy of Casual Labour Card, although he has stated that he had so annexed. In view of this, annexing of Casual Labour Card to SRA raises doubt as regards genuineness of the said document. A Copy of the SRA was also not served on the respondents to give them opportunity to rebut the contention of the applicant.

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4. In view of the foregoing, we are not satisfied  
that the applicant has made out a case. We accordingly dismiss  
the D.A. Parties to bear their own costs.

LR

H.M.

Bcr

V.C.

/snt/