

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

D.A. NO.: 351/89  
T.A. NO.:

DATE OF DECISION: 22/95

Ram Nath

PETITIONER(S)

Sir G. D. Mackenzie

ADVOCATE FOR THE  
PETITIONER

VERSUS

W.C. I. & others

RESPONDENT (S)

Govt. of India

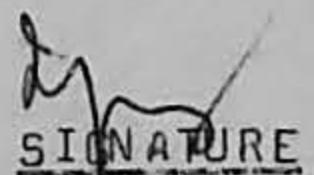
ADVOCATE OF THE  
RESPONDENTS

CORAM

The Hon'ble Mr. K. Mukherjee, A.M.

The Hon'ble Mr. J. S. Oshwals, J.M.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether to be circulated to all other Bench?

  
SIGNATURE

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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the day 2<sup>nd</sup> Feb of 1995.

ORIGINAL APPLICATION NO. 351 OF 1989.

Ram Nath S/o Munna Prasad,  
R/o Village Khemkaranpur,  
Post Derva, District-Pratapgarh,  
who was working as Casual Dable Labourer  
at Door Sanchar Management within the control  
of Door Sanchar Zila Prabandhak, Allahabad.

..... Applicant.

By Advocate Sri G.D. Mukherjee.

Versus

1. Door Sanchar Mahaprabandhak,  
District-Kanpur.
2. Door Sanchar Prabandhak,  
Lucknow.
3. Door Sanchar Nideshak,  
Lucknow.
4. Door Sanchar Zila Prabandhak,  
Allahabad.
5. Door Sanchar Zila Abhiyanta,  
Allahabad.
6. Up Mandal Abhiyanta Phones, Pachhim,  
Allahabad.
7. Mandal Abhiyanta Phones,  
Allahabad.

..... Respondents.

By Advocate Sri Ashok Mohiley.

CORAM: Hon'ble Mr. K. Muthukumar, MEMBER (A)

Hon'ble Mr. J.S. Dhaliwal, MEMBER (J)

ORDER (RESERVED)

By Hon'ble Mr. K. Muthukumar, MEMBER (A)

The applicant was a Casual Labourer in the office of the Sub Divisional Office Telephones (W) during the years 1981, 1982 and 1983. The applicant states that he had worked for a total number 376 days during these three years. He also claims that he had worked earlier also as a Casual Labourer and was relieved from his duty in the year 1973. The grievance of the applicant is that in response to the Office Memorandum dt. 3.9.1988 annexed as Annexure-I to the application, issued for filling 100 vacancies of Casual Labourers in the department of Telephone District-Lucknow, the respondents had not followed the principles of "first come and last go" and had allowed Casual Labourers who were selected and appointed later than him against these vacancies. According to the above Office Memorandum, the applicant states that he is entitled to be appointed since he had already worked as a Casual Labourer in the department prior to 30.3.1985 which is cut off date prescribed in the O.M. for consideration of filling up the 100 vacancies notified. Since, the respondents have not considered his case and have appointed or retained other Casual Labourers who were originally selected after the selection of the applicant, the applicant's contents respondents that the action of the respondents in not having considered the candidature of the applicant is illegal and is not in accordance with the declared policy to fill up the 100 vacancies of Casual Labourers amongst those who had originally worked in the department prior to 30.3.1985.

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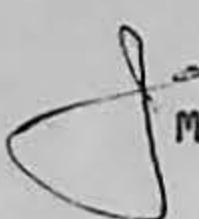
Aggrieved by the action of the respondents, the applicant has approached this Tribunal with a prayer to direct the respondents to send the name of the applicant in pursuance of the Office Memorandum dt. 3rd September 1988 for recruitment as Casual Labourers for the work connected with the laying of Cables in the Lucknow Telecom District, in accordance with the O.M. dated 3.9.1988.

2. The respondents, in their averments, while admitting the fact that the applicant had worked as a Casual Labourer have stated that for a total period of 376 days, they ~~had~~ no information about the applicant having worked in 1973 as claimed by him. The respondents have further averred that the applications/representations dt. 13.7.1988 and 31.1.1989 filed by the applicant as Annexures 3 and 4 to the application had not been received by the respondents. They have also averred that in response to the O.M. dt. 3.9.1988 which was/letter address<sup>ed</sup> from the Telecom District Lucknow to the various Offices noted in the said memorandum, inviting the names of such of those Casual Labourers who had worked in the Department prior to 30.3.1985 but who was retrenched subsequently, for the work of laying Cables in the Telecom District-Lucknow, the respondents have not sent any names. Therefore, the respondents have averred that there was no question of not having followed the principles of "first come and last go."

3. We have heard the learned counsel for the parties and perused the record.

4. We find that the averments made by the respondents, have not been contested by the applicant in his rejoinder affidavit excepting ~~xxxxxxxxxx~~ a bland denial. We have nothing on the record filed by the applicant to indicate that the respondents had considered and appointed any other Casual Labourer, whose name had been recommended in response to the above stated O.M. dated 3.9.1988. The applicant has also not shown, how his interest has been prejudicially affected by the action of the respondents with reference to any specific appointment of such of those Casual Labourers, who, did not fall within the category of Casual Labourers given in the aforesaid O.M.

5. In the light of the above discussions, we find no merit in this application and is, accordingly, dismissed. No order as to costs.

  
MEMBER (J)

  
MEMBER (A)

ALLAHABAD: DATED:

am/