

Open Court.

Central Administrative Tribunal,  
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 16th Day of August, 2000.

Coram: Hon'ble Mr. Justice R.R.K.Trivedi, V.C.  
Hon'ble Mr. S. Dayal, A.M.

Original Application No. 1406 of 1992.

1. Jagannath son of Daleep residentof Babhnawalia P.O. Saramula Tahsil Zamania, Distt. Ghazipur.
2. Ram Dayal son of Gharbharan (Deceased)  
2- Hare Ram son of Late Ram Dayal R/O village & P.O. Baruna, Distt. Bhojpur (Bihar)
3. Sheo Nath son of Basawan (Deceased)
3. Mahendra Rai son of late Sheo Nath R/O village and P.O. Sewrain, Distt. Ghazipur (U.P.)
4. Ambika son of Bhola residentof Gajaraheen P.C. Bhadaura Tahsil Zamania Distt. Ghazipur.
5. Sidhnath son of Sheo Gahan residentof village Laalganj Mathia P.O. Mahdah Distt. Bhojpur.
6. Ram Bachan son of Leladhar resident of village Baruna P.O. Baruna Distt. Bhojpur.

. . . Applicants.

Counselfor the applicants: Sri B.N. Singh, Adv and Sri R. Rai, Adv.

Versus

1. Union of India through General Manager, Baroda House, New Delhi.
2. Divisional Railway Manager Eastern Railway
3. Senior Divisional Engineer E.R. Danapur.
4. Assistant Engineer Eastern Railway, Buxar.

. . . Respondents.

Counsel for the respondents: Sri A.V. Srivastava.



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Order (Open Court)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

We have heard Sri B.N. Singh and Sri R.Rai for the applicants and Sri A.V. Srivastava for the respondents.

2. This application under section 19 of the Administrative Tribunals Act 1985 has been filed for a direction to the respondents to reinstate the applicants with full back wages since 11.11.1988 till decision of the application.

3. Before entering into the merits, it may be mentioned that applicant No.2 Ram Dayal and Applicant No. 3 Sheo Nath died during the pendency of this application. Their heirs have been brought on record.

4. Facts in brief are that the applicants joined as casual Gangman in Dildar Nagar Distt. Ghazipur in the year 1979. They worked at several places. In 1985 they were medically examined in which they were found fit for category C-1. In 1988 they were again medically examined and this time they were found fit for Category C-2. The case of the applicants is that they were asked to work at Patna Junction. However, Inspector of Works by his order dated 11.11.88 returned the applicants to P.W.I Dildar Nagar and thereafter from 11.11.88 they have not been given any work. Applicants claim is that they made representations to higher authorities but no heed was paid to their requests. Thereafter they gave legal notice and



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when no action was taken, they filed this application in this Tribunal on 29.9.92.

5. In counter affidavit, it has been stated that since the applicant No.1 was medically examined and decategorised for the post of Casual Gangman after 28.7.1988. For other applicants also it has been said that they never reported for duty under P.W.I Dildarnagar and any allegations to the contrary are incorrect. It has also been denied that applicants ever approached any higher authority.

6. We have considered the submissions of the parties and perused the pleadings.

7. The position before us is that there is oath against oath. The applicants claim that they approached the higher authorities whereas respondents deny that they were ever approached. There is no cogent material on record on which basis this Tribunal may infer that the applicants had actually approached any authority. In these facts and circumstances in our opinion the applicants may only be asked to make a representation before the appropriate authority which may consider <sup>+ their claim</sup> and decide by a reasoned order within a specified time.

8. The application is finally disposed of with the liberty to the applicants to make a representation before Senior Divisional Electrical Engineer, Eastern Railway, Danapur (Respondent No.3).

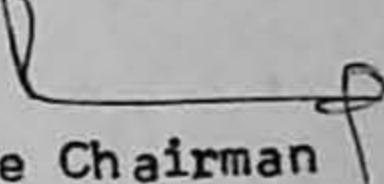


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If representation is filed within two weeks, it shall be considered and decided within three months by a reasoned order after hearing the applicants and in the light of the order dated 11.11.88.

9. There shall be no order as to costs.

  
Member (A.)

  
Vice Chairman

  
Nafees.