

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

O.A.No./T.A.No. 1494 of 1992

Date of decision

14/5/99

Babbu & Others

Applicant(s)

C/A Sri Hari Prasad Pandey, Advt.

COUNSEL for the
Applicant(s)

Versus

Union of India & Others

Respondent(s)

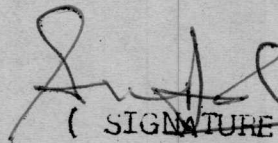
Shri P.Mathur & Sri S.N.Gaur, Advts. Counsel for the
Respondent(s)

C O R A M

Hon'ble Mr. S.Dayal V.G./Member(A)

Hon'ble Mr. S.K.Agrawal Member (J)

1. Whether Reporters of local papers may be allowed to see the judgment? No
2. To be referred to the Reporters or not ? Yes
3. Whether their Lordship wish to see the fair copy of the judgment ? Yes
4. Whether to be circulated to all Benches ? No


(SIGNATURE)

MANISH/

(Reserved)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NO.1494 OF 1992

Allahabad, this the 14th day of May, 1999.

CORAM : Hon'ble Mr.S.Dayal, Member(A)
Hon'ble Mr.S.K.Agrawal, Member(J)

1. Babbu, son of Hanuman Deen,
R/o. Village Kotwa,
Post Office Kotwa,
District Allahabad.
2. Ram Pyare,
S/o. Bachcha,
R/o. Village Jamunipur,
Post Hanumanganj (Jamunipur),
District Allahabad.
3. Ram Abhilash,
S/o. Shiv Narayan,
R/o. Village Holi Ka Pura,
Post Office- Jamunipur,
District Allahabad.
4. Harish Chandra,
S/o. Nankoo,
R/o. Village Kotwa,
Post Office Kotwa,
Distt.Allahabad
5. Ram Abhilash,
S/o. Kedar Nath,
R/o. Uttari Kotwa, P.O.Kotwa,
Distt.Allahabad.
6. Munni Lal,
S/o. Ram Adhar, Vill- Dakhini,
Kotwa, P.O. Kotwa,
Allahabad.
7. Heera Lal,
S/o. Dukharan,
R/o. Village Dalapur,
P.O. Ramaipur,
Distt.Allahabad.
8. Sheo Murti Lal,
S/o. Dukharan,
R/o. Village Dalapur,
Post - Ramaipur,
Allahabad.

contd...../2p

9. Pyare Lal,
S/o. Ramessar,
R/o. Village Ajabaiyan
Post- Hanumanganj, Distt. Allahabad.

.....Applicants

(C/A. Shri Hari Prasad Pandey, Advocate)

Versus

1. Union of India,
through General Manager,
Northern Railway,
N.R. Baroda House,
New Delhi.
2. Divl. Railway Manager,
Allahabad Division,
Allahabad.
3. Divisional Superintendent Engineer,
Allahabad Division,
Northern Railway,
Allahabad.
4. Assistant Engineer,
Permanent Works,
Allahabad Division,
Allahabad.

.....Respondents

(C/R. Shri P. Mathur & Shri S.N. Gaur, Advocates)

ORDER

(By Hon'ble Mr. S.K. Agrawal, Member (J))

In this original application applicants have prayed that respondents may be directed to employ them on the post of Khalasis on which they had worked for more than 240 days with smaller breaks, since the juniors have been appointed with past salaries and other emoluments and benefits to the applicants. Further prayer was that respondent No. 1 may be directed to enter the names of the applicants in the line register for which the applicants have made several representations, and further they were allowed to discharge their duties as casual khalasi under

Public Works Inspectors of Allahabad, Mirzapur and Kanpur and other offices of the department.

2. The case of the applicants is that applicants were engaged as Casual Labourers under Inspector of Works, Allahabad and Chunar. Applicant No.1 was appointed on 23-12-75, applicant No. 2 was appointed on 30-6-76, applicant No.3 was appointed on 30-6-74, applicant No.4 was appointed on 15-10-76 and applicant No.5 was appointed on 2-9-75, and they were directed to discharge their duties under respective Public Works Inspectors, but after applicants were not allowed to discharge their duties after 1983 and juniors to the applicants were engaged as Casual Labourer. It is stated that the Railway Administration decided and imposed ban for the fresh employment of the fresh candidates since 1-1-78. The Railway Board has decided that the ban on the fresh appointment will continue till the employees who had already worked under Railway Administration may not be absorbed as per allegations of the applicants, their names were in the pannel and they were prepared to face Medical Examination but even then no action was taken. Applicants made efforts for inclusion of their names in the pannel, but nothing was done so far. Therefore applicants have filed this original application for the relief sought for.

3. No counter was filed.

4. Heard the learned lawyer for the applicant and learned lawyer for respondents and perused the whole record.

5. Learned lawyer for applicant in support of his

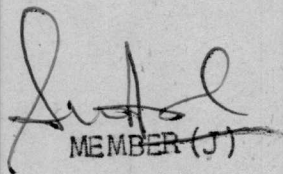
arguments has referred the decision given in O.A.No. 1217/92 decided on 21-4-98 and decision given in O.A.No.439/92 decided on 11-1-93.

6. We have perused the above orders as referred by the learned lawyer for the applicants.

7. As the applicants have worked for more than 240 days obviously certain rights accrued in their favour.

8. Accordingly we allow this original application and direct the respondents to include the name of the applicants in the ~~live~~ Register and consider their names for re-engagement in case any person junior to them has been re-engaged or subsequently appointed. The whole exercise must be completed within the period of three months from the date of communication of this order.

9. With the above directions this original application is disposed off with no order as to costs.


MEMBER (J)

satya/


MEMBER (A)