



Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

Allahabad this the 26th day of July 2000.
Review Application No. 24/98
in
Original Application No. 246 of 1992.

Hon'ble Mr. S. Dayal, Administrative Member.

Hon'ble Mr. Rafiq-Uddin, Judicial Member.

Prakash Kumar aged about 32 years
S/o Ram Naresh Upadhyay R/o 8/16 Lowther
Road, George Town, Allahabad.

.....Applicant

C/P Sri S. Dwivedi

Versus

1. Union of India through General Manager,
Northern Railways, Baroda House,
New Delhi.

2. The Divisional Railway Manager,
Northern Railway, Nawab Yusuf Road,
Allahabad.

3. The General Manager, Railway
Electrification, Nawab Yusuf Road,
Allahabad.

.....Respondents

C/P

//2//

O R D E R

By Hon'ble Mr. S. Dayal, AM.

This Review application has been filed for review order dated 19.12.97 passed in O.A. No. 246 of 1992 Prakash Kumar Versus U.O.I. and others. The further prayer has been made that the O.A. of the applicant be allowed and order dated 19.12.97 be set aside.

2. We have heard Shri S. Dwivedi learned counsel for the applicant. The learned counsel for the applicant has contented that the Division bench has erroneously held that the applicant had not made representation for regularisation before 31.3.87 and was therefore not entitled to claim the benefits of circular dated 1.6.1984 and 25.6.1984 as modified by order dated 11.9.1986 for including his name in the Live Casual Labour Register. The learned counsel for the applicant mentioned that the applicant had made representation on 14.5.1981, 10.11.1981, 18.2.1982, 27.1.1984 and 10.9.1986. The learned counsel for the applicant has also contented that the order passed between the parties in an earlier application No. 242 of 1987 has also not been considered by the Division Bench and therefore the order should be recalled. Lastly the learned counsel for the applicant has mentioned that the respondents rejected his representation by the order dated 19.11.1989 on the ground that he had not worked on 01.01.81 and therefore his name was not to be entered/Live Casual Labour Register. The Division Bench of this Tribunal ~~had~~ on the other hand dismissed this application because his representation had not been submitted to the respondents by the stipulated date of 31.3.87.

3. We have considered the contentions of the learned counsel for the applicant and have carefully perused the order in O.A. 246 of 1992 dated 19-12-1997.

4. We find that the Division Bench did consider the order passed in O.A. No. 242 of 1987 and the reply given by the respondents to the representation of the applicant on 19.11.89. The applicant had moved the Division Bench for proceedings against the respondents in a case for contempt which was also dismissed as the representation had been answered. The Division Bench considered the direction issued in the earlier O.A. No. 242/87 to the respondents to examine the case of the applicant in accordance with the scheme for absorption of casual labour introduced in the light of Hon'ble Supreme Court order and decide the case of the applicant in accordance with the parametres laid down in the scheme. The Division Bench has mentioned that the circular was issued on 2.3.87 which required those who wanted inclusion in the Live Casual Register to send their application to the concerned office by 31.3.87. The applicant had failed to do so. We find no infirmity or error in the order of the Division Bench. The Review petition is therefore dismissed.

5. There shall be no order as to costs.

Rajeshwar
Member-J

Member-A

/neelam/