

Open Court.

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad, This the 22nd Day of February, 2000.

Coram: Hon'ble Mr. Rafiq Uddin, J.M.

Hon'ble Mr. S. Biswas, A.M.

Original Application No. 226 of 1992.

Niraj Kumar Sharma
aged about 32 years son of Shri Shreekrishna Sharma,
resident of Railway Quarter No. MAP 144/1,
Railway Colony,
Agra Cantt.
Agra.

. . . Applicant.

(Through Sri R.K. Nigam, Adv.)

Versus

1. Union of India through General Manager,
Central Railway, Bombay V.T.
2. Divisional Railway Manager, Central Railway,
Jhansi.

. . . Respondents.

(Through Sri Prashant Mathur, Adv.)

Order (Open Court)

By Hon'ble Mr. Rafiq Uddin, Member (J.)

The applicant has filed the present O.A. for issuing direction to the respondents to hold his screening and to absorb him as Khalasi or against any other vacancy of Class IV staff to which he is found suitable along with all other consequential benefits.

2. In brief the case of the applicant is that he has been working as casual labour since 1976. The number of working days of the applicant have been duly entered in the casual labour card since 30.5.1980 and a certificate has also been issued

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by Station Superintendent Dhaulpur Central Railway certifying his working days (581 days). The applicant has, as such acquired status of monthly rated casual labour and is eligible for regularisation as per rule. The grievance of the applicant is that he has been deprived of the advantage of absorption against permanent vacancy because in the screening which took place in terms of notice dated 31.8.1990 (Annexure A-2), the name of the applicant was not considered. The applicant claims that he was physically present at the time of screening. Subsequently screening order dated 26.2.1991 was also issued in which the name of the petitioner was mentioned in the list of eligible candidates at serial No. 22. The respondents however did not consider his case. The respondents also issued notification dated 26.2.91 asking the concerned authorities to submit the particulars and details of the eligible casual labour for screening but the screening of the applicant has not been done hence this O.A.

3. The case of the respondents is that the screening was notified by letter dated 31.8.90 was cancelled and a fresh notification was issued vide notice dated 26.2.91 through which the applications were invited from all working casual labours/daily rated casual labours/substitute of the operating branch and whose names borne out on the live casual labour register for Asstt. Pointsman. It was further stated that the names of such casual labours M.R.C.ls. who were screened earlier and their names are not on the panel should also sent their names along with calculation sheet latest by 1.3.1991. The applicant, however, did not submit the application in time and therefore respondents are not responsible for the

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acts and omissions committed by the applicant in not submitting the application within time.

4. We have heard the arguments of both the counsels and perused the record.

5. After having heard the learned counsel for the parties and perusing the record, it is clear that the applicant was within the zone of consideration for screening for absorption and regularisation as casual labour on temporary status. The respondents have also admitted that the case of the applicant could not be admitted because the applicant did not submit his application in time. It is, however noticed that in the Notification dated 26.2.91 (Annexure A-3) it has been clearly mentioned in para 7,8 and 9 that it is the responsibility of the authorities to submit the particulars of the casual labour for the purposes of screening by the date fixed. Thus the applicant was nowhere responsible for the delay as claimed by the respondents. We, therefore, consider it proper and desirable that the respondents be directed to screen the applicant for the purposes of regularisation on the basis of his working days with the records available with them and also grant him eligible benefits as per rules.

6. Accordingly the O.A. is disposed of with the direction to the respondents to complete the screening formalities of the applicant [redacted]

[redacted]

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within three months from the date of communication of this order and provide him the job as and when the vacancy is available in case he is found fit for the post in group 'D'. No order as to costs.

S. A. S.
Member (A.)

R. Afzaluddin
Member (J.)

Nafees.