

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (ALLAHABAD BENCH) ALLAHABAD

Case No. 312 of 1992

T.A.B.

CF 199

Date of decision, 28-4-93

....Crang... Ram & Ors.....Petitioner

.....Shri S. K. Dey.....Advocate for the petitioner.

....Kris... Gandhi & Ors... Respondents.

....Sri... A. V. Sivakumar.....Advocates for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice U.C. Srivastava, U.C.

The Hon'ble Mr. V. K. Seth, Member (A)

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 Benches?

  
Signature

Ramesh

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 312 of 1992

Ganga Ram and Ors

.... Applicants

Versus

Union of India and Ors.

.... Respondents

COURT:

Hon. Mr. Justice U.C. Srivastava, V.C

Hon. Mr. V.K. Seth, Member(A)

( By Hon. Mr. Justice U.C. Srivastava, V.C. )

The pleadings are complete, as such the case is being heard and disposed of finally after hearing the counsel for the parties. The applicants grievance is that ~~they~~ <sup>were</sup> working as casual labours allegedly for years together with broken periods. Their grievance is that they have not been considered for absorption according to their seniority after due screening test while their juniors were screened and having been regularised and the applicants have not been regularised and the ~~work~~ <sup>is</sup> not taken from them. All these applicants according to them entered in the railway service as khalasi between 1982 to 83 and worked as casual khalasi against casualities caused in the establishment and all of them ~~are~~ <sup>had</sup> worked more than 120 days as casual khalasi and in support of which forged certificates in respect to applicant Ganga Ram, Jawahar Singh, Raj Kumar and Shiv Kumar have been filed which

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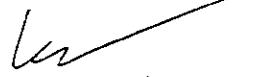
indicate between 82 to 84 upto 31.1.84 he worked for 534 days and the other one worked from 31.12.82 to 31.10.84 for a considerable long period and Shiv Kumar applicant worked for 239 days between May 82 to October 1983 and Raj Kumar also worked between 83 to 84 for much more than 120 days. A screening took place on 9.10.91 by the Screening Committee but the applicant -s were not called and according to them those who ~~had~~ <sup>have</sup> worked lesser days and junior to them were called and given benefit of the same.

2. The respondents have refuted the claim of the applicant and according to them they have worked for lesser days and that is why they could not be screened and whenever the ~~their~~ turn will come, they will <sup>be</sup> screened and the benefit of the same also will be given to those who ~~succeed~~ <sup>will</sup> succeed in the same. While screening others the seniority has been taken into account and the applicant ~~had~~ not attained the seniority which is calculated with the number of working days are also taken into account. There appears to be no reason as to why the certificates filed by the applicant is not accepted. The respondents contentions are incorrect and incomplete, the applicants cannot be made to suffer. It is not the case of the respondents that they have taken action against one who have issued the certificate is not correct.

3. Accordingly, the respondents are directed to re-screen the persons like applicants and other

similarly placed persons taking into consideration the number of working days for which also the applicant will furnish the certificate and if there is no reason for rejecting the same they will not reject it and after screening which is expected within a period of three months and those who succeed in the same will also be given the benefit which have been given in 1991 rule. we hope that the respondents will do it and will not create unnecessary complications and waste the public money on litigation. with these observations, this application stands disposed of finally with no order as to costs.

Member (A)

  
Vice Chairman

Dated: 28.4.1993

(Uv)