

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

Original Application No. 370 of 1992

Applicant

## Versus

1. The Divisional Railway Manager, Allahabad.
2. General Manager, Northern Railway,  
Barods House, New Delhi.
3. Union of India Ministry of Railways,  
New Delhi.

Hon'ble Mr. K. Obayya, Member(A)

Hon'ble Mr. S. N. Prasad, Member (J)

( By Hon'ble Mr. S.N. Prasad, J.M. )

The applicant has approached this tribunal under section 19 of the Administrative Tribunals, Act, 1985 for directing the respondents to consider the applicant's case and to appoint/absorb him on the post of Casual Labourer and to grant him all the consequential benefits as casual labourer(class IV employee).

2. The main grievance of the applicant as mentioned in the application, inter-alia, is that he was appointed on the post of Casual Labour in the year 1983 under P.M.I., Northern Railway, Churk, District Sonbhadra and thereafter worked in several divisions, and in all worked for 184 days continuously without any gap as would be obvious from the perusal of the annexure A-1 to the application, and he had been discharging his duties satisfactorily; but abruptly the applicant has been thrown out of employment without any rhyme or reason and without affording any opportunity of being heard and as such the action of the respondents is quite

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arbitrary and illegal. Certain persons who have been appointed after the appointment of the applicant have been retained while the applicant has been thrown-out of the employment. Thus, this being so the action of the respondents is against the principle of natural justice and violative of the provisions contained under Article 14 of the Constitution of India.

3. It has further been stated that the applicant submitted his representations in the year 1988 and thereafter in April, 1990 and again on 28.5.90 and on 17.2.92 ( vide annexure A-2,A-3 & A-4) respectively, which are copies of the above representations), but up till now the respondents have not paid any heed and the above representations have not been decided so far.

4. We have heard the learned counsel for the applicant and have thoroughly gone through the contents of the application and papers annexed thereto and we find that the ends of justice would be met if the respondents are directed to decide the above representations of the applicant in accordance with law and keeping in view the extant rules and orders, by a reasoned and speaking order within a period of three months from the date of the receipt of the copy of this order and we order accordingly. It is made clear that in case the above representations of the applicant( annexure A-2,A-3 & A-4) are not readily available or traceable with the respondents, the applicant is directed to furnish copy thereof within 15 days from the date of the receipt of the copy of this order to enable the respondents to decide the above representation within the aforesaid specified period of three months.

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5. The application of the applicant is disposed of with the above terms at the admission stage. No order as to the costs.

*P. Subbarao*  
Member (P)

*31.3.92*

Allahabad dated 31st March, 1992.

(AKA)