

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 443 of 1992

Allahabad this the 01st day of February, 2000

Hon'ble Mr. S.K.L. Naqvi, Member (J)

Nand Lal s/o Sri Chuntai, resident of Mohalla
Khaipar near Bajrang Bali Mandir and Hatildal
Master, P.O. Banda (U.P.)

Applicant

By Advocate Shri V.S. Singh
Shri S.C. Srivastava

Versus

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

Respondents

By Advocate Shri Amit Sthalekar

ORDEA (Oral)

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

Shri Nand Lal has come up with a case that for the first time, he was employed as Casual Labour in the year 1977 in Jhansi division of Central Railway and was granted temporary status of monthly rated casual labour (in short M.R.C.L.) w.e.f. 29.11.1985 and continued as such upto 30.10.1990 without even a day's break, till he was put off duty w.e.f.

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31.10.1990 on the ground of lack of General Manager's sanction. The applicant has also mentioned that his case for regular absorption as a Class IV railway servant was screened along with several others and the applicant was found to be qualified for such absorption but because he had started railway service while he was minor, his case was referred to the General Manager, Central Railway, Bombay V.T. for his formal sanction. In spite of this role of his service, he was put off from the duty and juniors to him, have been regularised and are working in the Jhansi Division of the Central Railway. Against this alleged arbitrary act of the ~~applicant~~^{respondent} and discrimination towards the applicant, he has come up before the Tribunal for the direction to the ~~applicant~~^{respondent} to re-instate him with all consequential benefits and to regularise his services. Through the supplementary affidavit, the applicant has filed the seniority list of casual labours and ~~offered~~^{mentioned} that his name finds place at serial no. 21 whereas juniors to him, at serial no. 39, 43 and 44, have been regularised.

2. The respondents have contested the case and filed their counter-reply in which it has been mentioned that the applicant was engaged as M.R.C.L. and utilised ~~vise~~^{vice} vacancy as per D.M.M. Jhansi letter dated 21.12.1985. Since there was no vacancy at Banda Depot to accommodate the

applicant and he being the seniormost M.R.C.L. his services were utilised as Water-tightening khalasi. Vide another letter dated 07.8.90, the applicant was advised that there was no vacancy at Banda and ^{since} he was being accommodated as Water-tightening Khalasi upto 31.10.1990, and thereafter his services would be terminated without any separate letter. It has been mentioned in the counter-reply that this notice could not be served upon the applicant. In the counter-reply, the respondents have admitted the fact and did not make any reply to the effect that the applicant worked as such as he mentioned in his application right from the period 1977 to 30.10.1990.

3. Heard the learned counsel for rival contesting parties and perused the record.

4. The respondents have not specifically denied ^{withstanding} the alleged period during which the applicant remained in service of the respondents which is for a span of about 13 years. The supplementary affidavit, through which the applicant has brought on record that services of juniors to the applicant have been regularised, has not been controverted from the side of the respondents. ^{As no reply to this affidavit has been filed} A letter dated 24.1.1991, copy of which has been annexed as ann.-2 to the O.A., goes to show that the case of the applicant was referred by D.M.E.(O&W) Jhansi for regularisation alongwith two others.

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5. with the above position in view,
I find it a fit matter to direct the respondents
to consider the case of the applicant for regular-
isation of his services within a period of 3 months
from the date of communication of this order and if
his services are found fit to be regularised, the
consequential benefits in service be allowed to him.
No order as to costs.

Seal

Member (J)

/Mo.Mo/