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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD

Dated: Allahabad, the 11th day of April, 2001.

Coram: Hon'ble Mr. Justice R.R.K. Trivedi, VC

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

ORIGINAL APPLICATION NO. 1669 OF 1993

Jagdish Yadav,

s/o Sri Ram Narayan Yadav,

r/o village Kewara Post Bhatani,

District Deoria (Ex-Casual Labour

under I.O.W. Sewan District Ballia)

. . . . . Applicant

(By Advocate Sri R.P. Singh )

Versus

1. Union of India through the  
General Manager, N.E. Rly.,  
Gorakhpur.

2. The Divisional Rail Manager,  
N.E. Rly., Varanasi.

3. The Divisional Personnel Officer,  
N.E. Railway, Varanasi.

. . . . . Respondents

(By Advocate Sri Govind Saran)

O R D E R

(ORAL)

(By Hon'ble Mr. Justice R.R.K. Trivedi, VC)

By this O.A., the applicant has prayed for  
a direction to the respondents to consider him for  
employment on casual basis forthwith on any post available  
in open line/project anywhere in the Division and further



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consideration of absorption of the applicant on regular basis giving him notional seniority on completion of 120 days in the year 1980-81. The aforesaid claim has been based on the service rendered by the applicant during the period 1.11.1980 to 26.6.1985 in broken spells as casual labour. In para-5 of the Counter Affidavit, it has been stated that the applicant worked from 11.11.1980 to 30.6.1981 in broken spells only for 242 days. In para-7 of the Counter Affidavit, it is further stated that in 1984, the applicant had worked for 85 days only. In para 4.5 of the OA, the applicant has claimed that he filed a representation on 2nd July, 1990 for the reliefs claimed in the O.A., which is pending and has not yet been decided by the Respondents. Filing of the representation has not been denied by the respondents. As there is a factual dispute about the period of service rendered by the applicant, in our opinion, the claim of the applicant can be decided in a better manner by the respondents by deciding his representation.

2. Sri Govind Saran, learned counsel for the Respondents has submitted that this O.A. is highly time-barred and the applicant is not entitled for any relief. The reliance has been placed on the judgment of Full Bench of the Tribunal in Mahabir and others Vs. Union of India and others, 2000 (3) ATJ 1. We have considered this aspect also. There is no doubt that the applicant has filed this O.A. after about 8 years. Last he was allowed to work

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3.

in the year 1984, as stated by the respondents. The cause of action, if any, for filing the O.A. arose to him at that time, but this O.A. has been filed on 1.11.1993. However, <sup>q<sup>u</sup></sup>the learned counsel for the applicant only presses that respondents may be asked to decide his representation and the Tribunal is not required to give any relief and representation of the applicant has been pending since 2nd July, 1990, <sup>u</sup>we see no reason to deny this limited relief of a direction to respondents to decide the representation of the applicant by a reasoned order, as per law.

3. The O.A. is accordingly disposed of finally with a direction to respondent no.3 to consider and decide the representation of the applicant by a reasoned order within a period of three months from the date of receipt of a copy of this order. In order to avoid delay, it shall be open for the applicant to file a fresh representation along with the copy of the order.

No order as to costs.

( S. DAYAL )

MEMBER (A)

( R.R.K. TRIVEDI )

VICE- CHAIRMAN

Nath/