

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 114 of 1993

Allahabad this the 02nd day of August, 2000

Hon'ble Mr. S.K.I. Naqvi, Judicial Member  
Hon'ble Mr. M.P. Singh, Admn. Member

Ramanand, Son of Sri Munnu Lal, Resident of  
Village Jhalwa, Post Pepal Gaon, District  
Allahabad.

Applicant

By Advocate Shri K.K. Mishra

Versus

1. The Deputy Chief Engineer(C.S.P.), North-  
ern Railway, Subedarganj, Allahabad.
2. The Chief Engineer(C.S.P.), Baroda House,  
New Delhi.
3. The Divisional Railway Manager, Allahabad.
4. Union of India, Ministry of Railways, New-  
Delhi.

By Advocate Shri A.K. Gaur

O R D E R ( Oral )

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

Through this O.A. under Section 19  
of the Administrative Tribunals Act, 1985, the  
applicant has sought for relief to direct the

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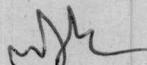
respondents to give regular appointment to the applicant as class IV employee and grant him consequential benefits.

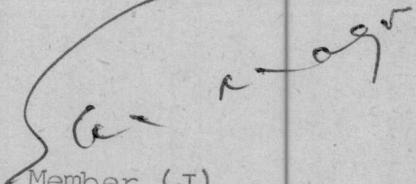
2. Brief facts of the case, as come out from the pleadings, are that the applicant claiming to have worked for more than 211 days, filed O.A. before the Tribunal seeking relief that he be appointed on the post of casual labour. That O.A. No. 1019/92 was decided on 04.8.1992 with the direction to the respondents to decide his representation within 2 months from the date of communication of that. The applicant served the representation copy of this Tribunal's order but the same was rejected vide order dated 27.9.1992, copy of which has been annexed as annexure no. 7 to the present O.A. and annexure no. 1 to the counter reply. According to which, the Deputy Chief Engineer communicated that the case of the applicant was considered but the representation was not disposed favourably, with the findings that inspite of fact that the applicant worked 211 days between 01.10.1984 to 10.5.1985 but he absented unauthorisedly w.e.f. 11.5.1985 and his representations were received in the Office after 07 years from the year 1985 and, therefore, under in terms of Note ~~and~~ <sup>and</sup> Item No. 301(6) of Chapter-3 of Indian Railway Establishment Code Vol.I, 1985 Edition, it was deemed that the applicant had resigned from his appointment and ceased to be in employment for having remained absent beyond a limit of 5 years, for which no notice of termination is necessary under Rules.

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3. After adjudication of all the facts in the previously filed O.A. No. 1019/92, the applicant can seek redressal of only against the cause of action which may flow from the order dated 27.9.92 for which there is only one para - (xxv) under head 'Facts' and one para under head 'Grounds' in para-5(v), in which it has been pleaded that the order dated 27.9.92 is wholly illegal, but no ground or reason, factual or legal, has been mentioned.

4. Considering the facts and circumstances of the case, and the pleadings as have come up from either side and also giving thoughtful consideration to the arguments placed by Shri A.K. Gaur, learned counsel for the respondents, we are of affirm view that the O.A. is devoid of any merit, hence deserves to be dismissed. The O.A. is dismissed accordingly. No order as to costs.

  
Member (A)

  
Member (J)

/M.M./