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CENTRAL ADMINISTRATIVE TRIBUNAL ,ALLAHABAD BENCH.

...

O.A. No.863 Of 1993

Dated: 17.8.1995

Hon. Mr. S. Das Gupta, A.M.
Hon. Mr. T.L. Verma, J.M.

1. Jagat Lal aged about 35 years,
S/o Surajdeen.
2. Ram Kishan aged about 32 years,
son of Puttan.
3. Matadeen aged about 32 years
S/o Ramai, All R/o Village
Pansaur, P.O. Lokipur District
Allahabad. ... Applicants.

(By Advocate Sri Sukhdeo)

Versus

1. The Union of India, through G.M.
N. Rly. Baraut House,
New Delhi.
2. The D.R.M. N. Rly.
Allahabad.
3. The Assistant Engineer (1) N. Rly.
Allahabad.
4. P.W.I. N. Rly.
Allahabad. ... Respondents.

(By Advocate Sri Shailendra)

O R D E R

(By Hon. Mr. S. Das Gupta, Member(A))

Three applicants have joined together for filing
this O.A. under Sec. 19 of the Administrative Tribunals
Act, 1985 seeking the relief of a direction to the
respondents to give regular employment to the applicant

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as per directions issued by Railway Board from time to time and also to regularise their services w.e.f. 15.3.1983 in case of applicant No. 1 and in ~~in~~ ^{from} 1989 in respect of applicant No. 2 and w.e.f. 21.4.1988 in respect of applicant No. 3.

2. It has been averred in the O.A. that the applicant No. 1 has worked under P.W.I. Allahabad w.e.f. 14.6.1969 to 19.3.1983 for a period of about 13 years and his name was placed on the panel but his services could not be regularised. A copy of the service card placed at Annexure- A 1 indicates that he had worked for 483 days. As regards the applicant no. 2, it has been averred that he worked for about 12 years from 14.10.1976 till 1.9.1989 under P.W.I. Subedarganj, Allahabad and also Kanpur. A copy of the service certificate at Annexure- A 2 indicates ~~00000~~ that he has worked for 13 years w.e.f. 1.7.1976 till 20.4.1988 under P.W.I -II, Kanpur. A copy of the service certificate is at Annexure- A 3 and it indicate ~~sthat~~ he worked for 171 days.

3. It is ~~the~~ ^{the} contention of the applicants that having completed 120 days working, they acquired temporary status and, therefore, they could not have been disengaged without following the due procedure under the Rules. It is also their case that certain fresh faces were appointed after they were disengaged and the applicants averred that they belong to Schedule Caste and, therefore, entitled to preferential treatment with regard to the

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employment.

4. The respondents have filed their written reply in which regarding the number of days of working, it has been stated that no comments are needed. It is, therefore, clear that there is no denial of the averments made by the applicant regarding the number of days working and these have to be taken as admitted. As all the applicants have completed more than 120 days of service, they were, no doubt, ^{entitled} declared to be granted temporary status with all benefits and privileges in terms of para 2001 of I.R.E.M. Vol. II.

5. The respondents ~~have~~, however, raised a point and validly too that the application has been filed beyond the period of limitation. The applicants were, admittedly, disengaged in 1988-89 in respect of the applicant Nos. 2 & 3 and in 1993 in respect of the applicant no. 1. The cause of action, therefore, has arisen in 1988-89. As the application has been filed only on 26.5.1993, the same is beyond the period of limitation. The applicants, however, have filed the delay condonation application. We have considered the submissions made therein. We have also kept in mind the fact that these applicants have worked for many years in broken spells as casual workers, and therefore, should not be deprived of the due benefit merely on the ground of limitation. Particularly, when the respondents have not contested the case by filing a proper written statement.

6. In view of the foregoing, we direct the

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respondents to verify the service particulars of the applicants associating ~~with~~ the applicants in the process of verification and if the averments in this regard are found to be correct on verification, they shall be granted temporary status in accordance with ~~the~~ law and thereafter, they ^{be} considered for regularisation in their own turn after screening. Incase, any junior has been engaged, the applicants shall also be ~~engaged~~ eligible for engagements as casual workers until their regularisation. Let this direction be complied with within a period of 3 months from the date of communication of this order. There shall be no order as to costs.

J. K. Sharma
Member (J)

W. S.
Member (A)

(n.u.)