

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

....

Original Application No. 1334 of 1994.

this the 26th day of November 2001.

HON'BLE MR. S. DAYAL, MEMBER(A)
HON'BLE MR. RAFIQ UDDIN, MEMBER(J)

prabhu Nath, S/o Sri Dukhi Ram, Helper Khalasi, under Dy.
C.E., CSP, Subedarganj, N. Rly., Allahabad.

Applicant.

By Advocate : Sri A. Srivastava for Sri R.P. Srivastava.

Versus.

1. Union of India through General Manager, N. Rly.,
New Delhi.
2. The Deputy Chief Engineer, CSP, Subedarganj, N.Rly.,
Allahabad.
3. The Senior Engineer, CSP, Subedarganj, N.R., Allahabad.

Respondents.

By Advocate : Sri S. Mehrotra for Sri Lalji Sinha.

ORDER (ORAL)

BY HON'BLE MR. S. DAYAL, MEMBER(A)

This application has been filed for taking the period of work of 586 days under PWI/NR, Kanpur and 918 days at CSP/Subedarganj, Allahabad and to fix his position on the panel on the basis of total period of 1504 working days instead of 918 days. It is claimed by the applicant that the working days had been verified by Dy. C.E./CSP, N.R., Allahabad subsequent to formation of the panel.

2. The applicant claims that he was engaged as casual labour on 27.6.82 under Dy. C.E., CSP, N.Rly., Allahabad, after having worked under PWI, N.R., Kanpur for the period from 26.11.73 to 5.2.76 in different spells totalling to 586 days. It is stated that the applicant acquired temporary status under Dy. C.E., CSP, Allahabad and was allowed CPC scale of pay from 1.5.1983. He was screened alongwith other

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and a panel of selected persons was formed on 29.8.85 in which the name of the applicant was figured at sl. no. 303-A of the select list. The applicant claims that persons junior to him were placed above in the panel. It is stated that the applicant was promoted as Helper Khalasi in the scale of Rs. 800-1150/- on 22.9.93. It is further stated that the applicant made a representation on 1.5.91 claiming the total working days put in by him was 1504 and, therefore, his position in the panel should be a basis for assignment of position in the panel with follow-up representations dated 27.7.94 and 28.7.94. He has filed this application against the order dated 6.8.84 of the respondents that his placement in the panel was final and could not be considered. The applicant has come-up to us in the background of the above facts.

3. We have heard Sri A. Srivastava proxy for Sri R.P. Srivastava for applicant and Sri S. Mehrotra proxy for Sri Lalji Sinha for the respondents.

4. The respondents have stated that the previous working days put in by the applicant from 26.11.73 to 5.2.76 could not be considered as there was more than two years gap between the first spell and the next spell which started in the year 1982. It is stated that there was a general policy laid down in guidelines issued vide Dy. Chief Engineer/Concrete Sleeper Plant, N.R., Subedarganj, Allahabad by his notice no. CSP/ALD/E-19 dated 15.1.95. The respondents have denied that the applicant had worked for 918 days instead of 887 days which was taken as the basis of his empanelment after screening.

5. The learned counsel for the applicant states that he had given the actual calculation of 918 days in para 2 of the Rejoinder affidavit. However, the applicant was required to put his full case in his O.A. and any averments made later cannot be considered for accepting his claim for having worked for 918 days. There is no documentary evidence for

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making the said claim.

6. The learned counsel for the applicant has claimed that he had made a complaint about the total working days of other casual labourers, who were screened alongwith him and it was found during the verification that they had given the fake certificate of working. Thereafter the disciplinary action was taken against them but their position in the panel was not changed. We find that no such person has been impleaded as respondent nor any name has been mentioned. The respondents have denied that they had calculated the fake working days of any casual labour. Under the circumstances, we find that the applicant has not been able to establish his claim. The O.A. is accordingly dismissed. No costs.

Rohit Vaidya
MEMBER (J)

Saver
MEMBER (A)

GIRISH/-