

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 14th day of February, 2001

Original Application No.170 of 1992

CORAM :-

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

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

Raja Ram Son of Shri Bisu Nath,

Ex Casual Gangman, under P.W.I./Mirzapur,

Resident of Village-Nigura Ban Singh,

Post-Zigna, District-Mirzapur.

(Sri C.P. Gupta, Advocate)

..... Applicant

Versus

1. Union of India through General Manager,

Northern Railway, Baroda House,

New Delhi.

2. Divisional Supdt. Engineer(C),

Northern Railway, D.R.M. Office,

Allahabad.

3. Assistant Engineer, Northern Railway,

Mirzapur.

..... Respondents

O R D E R (O\_r\_a\_l)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this OA under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to the respondents to re-engage and absorb the applicant as Gangman with all consequential benefits. It has also been prayed that a direction may also be given to regularise the applicant after re-engagement as per rules. In the OA it has been stated that the applicant was engaged



on 26-6-1977 as Casual Gangman by P.W.I. Northern Railway, Mirzapur and he worked continuously upto 8-1-1978 i.e. 171 days. The applicant was not allowed to work w.e.f. 1-8-1978, but he was re-engaged on 6-11-1983 and allowed to work upto 1-6-1984 i.e. for 212 days. However, again he has not been engaged. The applicant has claimed the benefit of letter dated 14-8-1987 and the judgement of the Hon'ble Supreme Court in the case of Indra Pal Yadav. The counter affidavit has been filed wherein it has been stated that the labour card was never issued to the applicant.

The casual labour card is false and fabricated document which has been prepared for the purpose of the present case. Signatures on the alleged labour card have also been denied. It has been pointed out that the applicant is not entitled for any relief. It has also been denied that any representation was filed by the applicant and no such representation as claimed is available with the respondents. Considering the facts and circumstances and the fact that the applicant filed a representation before coming to this Tribunal, in our opinion, he may be given liberty to appear before the D.R.M. and file evidence in support of <sup>the</sup> ~~the defense of~~ his case and this matter may be considered in accordance with rules and orders applicable.

2. The OA is accordingly disposed of finally with liberty to the applicant to file representation before the respondent no.3, Assistant Engineer, Northern Railway, Mirzapur, who shall consider the same and decide it after hearing the applicant



within three months from the date of filing a copy of this order. There shall be no order as to costs.



Member (A)



Vice Chairman

Dube/