

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1051 of 1994

Allahabad this the 05th day of April 2002

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr.C.S. Chadha, Member WA)

Mohd. Sabiruddin, aged about 36 years, Son of
 Shri Jalaluddin, resident of 790, Dildar Nagar,
 Khati Baba, Jhansi.

Applicant

By Advocate Shri R.K Nigam

Versus

1. Union of India through General Manager,
 Central Railway, Bombay VT.
2. Divisional Railway Manager, Central Railway,
 Jhansi.

Respondents

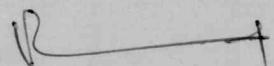
By Advocate Shri G.P. Agarwal

O R D E R (Oral)

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

By this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to the respondents to absorb him as Permanent Khalasi in Group 'D' vacancy available on Jhansi in the pay scale of Rs.750-940/- (RPS) on the basis of physical quantum of service already rendered and the screening tests as well as medical tests already cleared.

2. The case of the applicant is that he joined



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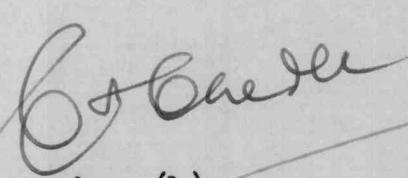
as casual labour with effect from 09/02/76. He was given casual labour card. He discharged the duties continuously and ultimately in 1992 he was given the M.R.C.L. status. However, he has not been regularised ^{Though} ~~that~~ many persons junior to him have been ~~regularly~~ absorbed. This O.A. was filed on 13-07-94. This Tribunal on 21.07.94 noticed that the persons junior to the applicant who have been absorbed, have not been arrayed as respondents in the O.A. and, thus, the respondents cannot reply the allegations. The applicant's counsel was granted time to specify the names of juniors who have been ~~regularised~~ in preference to the applicant. However, names of the juniors have not been specified. In the circumstances on the basis of allegation that the applicant has been discriminated, no relief can be granted. Resisting the claim of the applicant counter-affidavit and suppl. counter-affidavit have been filed. Though it is not denied that the applicant was granted M.R.C.L. status in 1992, it has been stated that the applicant shall be ~~regularly~~ absorbed in his turn and no person junior to him ~~has~~ been regularised, as alleged by the applicant. Before coming to this Tribunal, the applicant has filed a representation before the D.R.M., Jhansi on 12.01.1994, copy of which has been filed as annexure-6. In our opinion since this O.A. has been pending for the last more than 7 years, ends of justice will be served if we direct the respondent no.2 to consider and decide the representation of the applicant in accordance

(Signature)

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with rules within a specified time.

3. The O.A. is accordingly disposed of finally with the directions to the respondents^{1/2} to decide the representation of the applicant (annexure-6) by a reasoned order within a period of 3 months from the date a copy of this order is filed. To avoid delay, it shall be open to the applicant to file a fresh copy of the representation alongwith copy of this order. No order as to costs.


Member (A)

|M.M. |


Vice Chairman