

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1224 OF 1995

FRIDAY, THIS THE 25THE DAY OF OCTOBER, 2002

HON'BLE MR. SARVESWAR JHA, MEMBER-A
HON'BLE MR. A. K. BHATNAGAR, MEMBER-J

Jai Prakash Verma
Son of Ram Kishun,
resident of Govindpur Lal,
Post Office-Govindpur Lal,
District-Deoria.
Working as a Hamal on the permanent
Post fallen vacant due to the promotion
of Sri Kailash Pandey at Railway Station
Laxmiganj, NER, Varanasi. Applicant

(By Advocate Shri A.B. Singh) ^{Seva})

Versus

1. The Union of India,
through the Divisional Railway Manager,
Varanasi.
2. The Senior Divisional Commercial
Superintendent, Varanasi.
3. D.C.I. Kaptanganj,
NER, Varanasi.
4. The Station Superintendent, Laxmiganj,
NER, Varanasi. Respondents

(By Advocate Shri K.P. Singh)

O R D E R

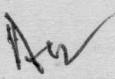
HON'BLE MR. SARVERWAR JHA, MERBER-A

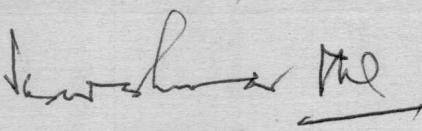
On perusal of the O.A. it transpires that the applicant has approached this Tribunal for regularisation of his services rendered as Casual Labourer with the respondents. He was appointed as a Casual Labourer, as submitted by him, in the year, 1978. He claims to have continued in the service of the respondents as a Hamal, Gate- men etc. till March, 1981, when he was conferred temporary status. He, therefore, claims that he is entitled to being declared as regular employee, after passing necessary screening test. However, he has not been allowed to work regularly and he has been orally asked, without any formal order, not to work inspite of the fact that a permanent

vacant post of Hamal at Railway Station Laxmiganj, N.E., Railway, Varanasi is available.

2. On perusal of the counter affidavit, filed on behalf of the respondents, it transpires that the applicant was not declared successful in the last screening test held for regularising the services of Casual Labourers. It is, however, submitted that the applicant was a substitute and used to be given work as and when the need arose at the station mentioned in the list. The respondents have further averred that the list which has been brought out by them is a list ^{of substitute} ~~subsequently~~ published under their letter dated 29.01.1992 and with that no substitute junior to the applicant had been given appointment. The respondents have, therefore, submitted that the applicant is not entitled to the benefit he has prayed for in the relief portion of his O.A.

4. Keeping in view the submissions of both the applicant as well as the respondents and also in view of the fact that the applicant has not submitted any further facts by way of rejoinder/affidavit to controvert the submissions of the respondents, We are of the view, that the O.A. is devoid of merit and is fit to be dismissed ~~on~~ points of facts. With this, this O.A. stands disposed of as dismissed being devoid of any merit, with no order as to costs.


Member-J


Member-A

/Neelam/