

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 17th day of August, 2000

Original Application No. 48 of 1995

District : Jhansi

CURAM :-

Hon'ble Mr. Rafiuddin, J.M.

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

1. Suresh Kumar S/o Shri Dilarey,

R/o Mohalla Abalganj, Gwaltoli,

Sipri Bazar, Jhansi.

2. Om Prakash S/o Ram Shanker,

C/o Suresh Kumar,

R/o Mohalla Abatganj, Gwaltoli,

Sipri Bazar, Jhansi.

3. Gyan Singh, S/o Shri Sri Ram,

C/o Sri Suresh Kumar, Mohalla Abatganj,

Gwaltoli, Sipri Bazar, Jhansi.

(Sri R.P. Tiwari, Advocate)

..... Applicant

Versus

1. Union of India through its Secretary,

Ministry of Railways, Railway Bhawan,

New Delhi.

2. General Manager, Central Railway, Bombay V.T.

3. Mandal Rail Prabhandak, Karmik Sakha,

Central Railway, Jhansi, District Jhansi.

4. Senior Karmik Adhikari, Jhansi(Central Railway)

(Sri Prashant Mathur, Advocate)

..... Respondents

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O R D E R

By Hon'ble Mr. Rafiquddin, J.M.

The applicants have sought direction to be issued to the respondents to issue letters of appointment to the applicant to the post of Group 'D' post. It is admitted case that the applicants by virtue of their working under Station Superintendent Jhansi were found suitable on the basis of their total computed number of working days and were placed on panel. The respondents have, however, pleaded that since the applicants could not produce their casual labour cards, for want of necessary sanction, the services of the applicant could not be regularised.

2. We have heard counsel for the applicant and perused the record.

3. It is clearly mentioned in the counter affidavit in Para 4 that the applicants have no right to claim relief till the completion of the requisite formalities i.e. proof of labour cards and sanction of the General Manager. However, on this point, learned counsel for the applicant has drawn our attention to Annexure-10, which is a letter from Central Railway dated 1802-1994 in which it was clearly stated that the General Manager (Personnel) sanction was conveyed to the D.R.M. (Personnel), Jhansi for regularisation of initial engagement of casual labours. A list of 35 names has also been enclosed alongwith this letter. The list enclosed with this letter also indicates that the names of applicant no.1 (Suresh Kumar) is at Serial No.34 and applicant no.3 (Sri Gyan Singh) is at Serial No.14. Besides, vide letter dated 18-3-1994, D.R.M.

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Jhansi has requested Headquarters Central Railway, to communicate ex post facto sanction of General Manager (including applicant no. 2, ^{in respect of persons}) whose names were left for sanction. The name of applicant no. 2 (Om Prakash) is at Serial No. 2 of the list enclosed with this letter. Learned counsel for the applicant has also referred to Para 8 of the counter affidavit in which respondents have admitted that the persons at Serial Nos. 17, 18, 22 and 22 have been regularised because they had fulfilled requisite conditions. All these persons are junior to the applicants. It is clear from the perusal of the list (Annexure-10), which has been prepared on the basis of the date of first appointment. The respondents have also not denied about the sanction accorded by the General Manager in respect of the applicants' regularisation. The only ground for non-regularisation of their service is that they could not produce their labour cards as per Railway Board letter dated 21-2-1984 (Annexure-3). A perusal of the letter indicates that in future screening of casual labours for the purposes of absorption in Railway ~~or~~ employees be restricted only to those who are in the current casual labour Registers. ~~Registers~~ This letter, however, does not indicate that the persons should produce casual labour cards at the time of screening as pleaded by the respondents. Since the working days of the applicants are not in dispute and the sanction of the General Manager is also available, we do not find any justification for refusal of the regularisation of the applicants' case.

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4. For the reasons stated above, we allow this O.A. and direct the respondents to take necessary steps to regularise the services of the applicant on the basis of their working days. Necessary exercise will be done within three months from the date of communication of this order. There shall be no order as to costs.

S. Dube *Rajendra*
Member (A) Member (J)

Dube/