

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

.....

Original Application No. 982 of 1995

this the 16th day of March 2001.

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

Gauri Shanker Singh, s/o late Sri Ram Chese Singh, R/o Village & Post Pakari, District Balia, lastly working as a Line Clear porter at Railway Station, Bansdeeh Road, near Balia, North Eastern Railway, Varanasi.

... Applicant.

By Advocate : Sri. Rakesh Verma.

Versus.

Union of India through the Divisional Railway Manager, Varanasi Division, Varanasi.

2. Senior Divisional Operating Supdt., N.E.R., Varanasi Division, Varanasi.

3. Traffic Inspector, North Eastern Railway, Headquarter Ballia East, Varanasi Division, Varanasi.

... Respondents

By Advocate : Sri S.K. Anwar.

ORDER (ORAL)

RAFIQ UDDIN, MEMBER (J)

has

The applicant/filed this O.A. seeking directions to the respondents to regularise his service and to appoint him in Group 'D' post.

2. The admitted facts of the case are that the applicant was engaged as Substitute w.e.f. 8.6.1981 and worked upto 9.6.1990 with some artificial breaks. The applicant was, however, not engaged w.e.f. 10.6.1990. The applicant claims that in the provisional seniority list of Seasonal/Awazis of Varanasi Division, his name has been figured at sl. no. 266-C, whereas some Substitutes, who were junior to the applicant namely Sukhoo Singh and Bal Bhadra, whose

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names ^R ~~have been~~ ^P figured at sl.nos. 275-E and 275-A in the provisional seniority list, have been screened and posted permanently. It is stated that the applicant had made a representation before the authorities concerned, but nothing has been done, hence he has filed the present O.A.

3. The learned counsel for the respondents has, at the outset, argued that since the applicant was dis-engaged w.e.f. 10.6.90 and the present O.A. has been filed in the year 1995, the O.A. is obviously time barred and the same be dismissed on this ground alone. However, we find from the averments made in para 7 of the Counter reply that the respondents have clearly stated that the applicant will get a chance as soon as senior and old faces casual labourers/ Substitutes exhausted, because the engagement of the applicant was initially illegal and as such he was not entitled for continuance as Substitute employee. Therefore, we find that the applicant ^{has} ~~is having~~ continuous cause of action because the ~~applicant~~ ⁱⁿ applicant will get a chance as soon as ^{list of} ~~their~~ senior Substitutes exhausted. We, therefore, dispose of this O.A. with the directions to the respondents to re-engage the applicant as and when the vacancy is available and ^{his} ~~their~~ services will be regularised as per rules.

4. The O.A. stands disposed of as above with no order as to costs.

S. Bed -
MEMBER (A)
GIRISH/-

Rajyudha
MEMBER (J)