

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No.1626 of 1999

Allahabad this the 29<sup>th</sup> day of Nov 2002

Hon'ble Mr.A.K. Bhatnagar, Member (J)

Yogesh Kumar Gupta, Son of Sri Hari Ram, Resident  
of Village Awarihar, District Ghazipur.

Applicant

By Advocate Shri V.K. Srivastava

Versus

1. Union of India through its General Manager,  
North Eastern Railway, Gorakhpur.
2. Divisional Rail Manager, North Eastern Railway,  
Lahartara, Varanasi.
3. Station Superintendent, North Eastern Railway  
Rajwari.

Respondents

By Advocate Shri K.P. Singh

O R D E R

By Hon'ble Mr.A.K. Bhatnagar, Member (J)

This O.A. has been filed under Section 19  
of the Administrative Tribunals Act, 1985 seeking  
direction to the respondents to consider the case  
of the applicant for screening/regularisation on  
class IVth post and pay scale and further direction  
has sought for payment of regular pay scale of class  
IV employees to the applicant.

2. The facts of the case are that the ...pg.2/-

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applicant was initially engaged as substitute Safaiwala on 01.05.79 and permitted to work till December, 1979, and had worked for more than 120 days continuously without any break. Therefore, the applicant had acquired status of temporary railway servant. It is claimed that the applicant has worked as casual labour since May, 1979 till 1981, thus, entitled for regularisation to the post and pay scale of Class IV employee. It is also claimed that the respondents had arranged screening for regularisation/absorption against clear permanent post, but the case of the applicant has not been considered by the respondents though number of juniors have been regularised to the post of Phatakwal and Safaiwala. In spite of repeated assurance by the respondents, he has not been considered for regularisation. It is also claimed by the applicant that he has worked in the years 1983, 1986, 1987 and 1988 with unnatural break, but working certificates are not available with him. As the respondents have failed to consider the case of the applicant for screening/regularisation to the regular post, he has filed this O.A. and sought the above-mentioned reliefs.

3. Learned counsel for the respondents has <sup>ted</sup>resis/ the claim of the applicant by filing counter-reply. It is contended that the applicant is claiming regularisation on the basis of work done between 1979 and 1981 and the O.A. has been filed on 20.12.99, therefore, the O.A. is liable to be dismissed.

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on the ground of limitation. It is also contended that the applicant was not engaged w.e.f. 01.05.79 because in the year 1996 the applicant has submitted application in which the applicant has shown his working days on 06.09.88, 07.09.88 and 30.09.88 only for 3 days. It is also contended that the applicant has submitted his High School Certificate, which shows that the w applicant was only 10 years 10 months old as the date of birth is mentioned as 05.07.68, and he was minor so the claim of the applicant is false. They have also denied that the applicant had worked for 120 days or granted the temporary status. In view of the abovementioned facts, the respondents have prayed for dismissal of the O.A.

4. I have heard Shri V.K. Srivastava, learned counsel for the applicant and Shri K.P. Singh, learned counsel for the respondents, and perused the record.

5. From the above pleadings, it appears that the applicant has filed this O.A. for the <sup>arose</sup> cause of action which ~~arised~~ between the years 1979 to 1988. He has filed this O.A. in the year 1999. The O.A. is clearly time barred. The <sup>have</sup> respondents denied the claim of the applicant that he has granted any temporary status. The applicant has not supported his claim with <sup>any</sup> authentic working days certificate. The respondents have also falsified the date of appointment of the applicant

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which he mentioned as 01.05.79. The applicant has filed High School Certificate at the time of appointment in which his date of birth is mentioned as 05.07.68. The applicant is claiming his date of appointment as 01.05.79, which shows that at the time of appointment he was minor. In my opinion, the O.A. has no merit and the applicant is not entitled for any relief.

6. In view of the above discussions, I find no merit in the O.A. The O.A. is also time barred, <sup>The O.A.</sup> /----- is dismissed as lacking merits as well as time barred. No order as to costs.

  
Member (J)

/M.M./