

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 13th day of Nov. 2001.

CORAM : Hon'ble Mr. Rafiquddin, J.M.

O.A. No. 770 of 1999.

1. Sri Armod Ram s/o Safir Ram r/o village Sodhi Harra,  
Post - Budhanpur, Dist. - Ghazipur, present Resident  
of H.No.C-33/180, Chanduan, Chhattupur, Loko Road,  
Varanasi....

..... Applicant.

Counsel for applicant : Sri V. Singh.

Versus

1. Union of India through the Secretary, Ministry of  
Railway, Rail Bhawan, New Delhi.
2. Divisional Railway Manager, N.E. Railway, Varanasi.
3. General Manager, N.E. Railway, Varanasi.
4. Divisional Electrical Engineer, N.E. Railway, Varanasi.

..... Respondents.

Counsel for respondents : Sri K.P. Singh.

O R D E R (ORAL)

By Hon. Mr. Rafiquddin, J.M.

The applicant Sri Armod Ram s/o Safir Ram has approached this tribunal for issuing directions to the respondents to absorb him in N.E. Railway on the post of Class IV on the basis of his working days as casual labour during the period from 1980 to 1985 and also to decide his representation.

2. The admitted case of the parties<sup>is R</sup> that the applicant was initially appointed on the post of ~~sub~~ substitute vide the order dated 5.6.85. It appears that the applicant was removed from the service vide letter dated 5.9.85. According to the applicant he was informed by the respondents that whenever there shall be any vacancy, he will be informed for duty. The respondents have taken some other casual labours on duty who had worked upto May

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86 but they have not engaged the applicant despite his representation made from time to time including his representation dated 3.9.96, (Annexure-III) hence he has filed the present O.A.

3. I have heard Counsels for the parties and perused the record. It is not disputed by the respondents that <sup>Rn. the</sup> ~~when~~ applicant was appointed as substitute as Engine cleaner on temporary basis vide order dated 5.6.85 (Annexure-I) It is, however, state-d by the counsel for respondents that the applicant was removed from the work vide order dated 5.9.85 because it was found on verification that the working days of the applicant were false. It is also contended that as per rules if any person is not doing work for more than five years, then he may not be given any work. It is also claimed that no junior person has been engaged as casual labour and S/Sri Ram Bharat and Shamshad have been engaged on the basis of direction issued by this tribunal which had been filed by those persons as OA 67/97 and 088/97.

4. It is not disputed by the counsel for <sup>the applicant</sup> ~~respondents~~ <sup>Rn.</sup> that the applicant did not challenge<sup>R</sup> the order dated 6.9.85 and the present application has been filed for his absorption or re-engagement on the basis of his working days in the railway department during the period from 1980 to 1985. However, the allegations made by the respondents that on verification the working days of the applicant were found false when he was removed from service, has not been specifically <sup>denied</sup> ~~challenged~~ by the applicant in the present O.A. Therefore, obviously the case of the applicant is highly and grossely time barred. The applicant has not been able to make out the case <sup>for</sup> ~~to~~ <sup>ing</sup> reconsider his engagement as casual labour on the basis of his working days. Because

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there is no document on the record to <sup>prove</sup> ~~proof~~ his working days for the period from 1980 to 1985. For the reasons the O.A. lacks merits and dismissed. No cost.

*Rahimuddin*  
J.M.

Asthana/