

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No. 1151 of 1999.

Allahabad, this the 4th day of June 2003

HON'BLE MR. A.K.BHATNAGAR, J.M.

Lakhi Chand son of Sipahi,
R/o Bahura,
P.O. Dildar Nagar,
District Ghazipur.

. . . . Applicant

(By Advocate : Sri S.K.Dey and
Sri S.K.Mishra)

Versus

1. Union of India through the
The General Manager,
E. Rly., Calcutta.
2. The Divisional Railway Manager,
E.Rly.Danapur, Distt.Patna.

. . . . Respondents.

(By Advocate : Sri A.K.Gaur)

ORDER

HON'BLE MR. A.K.Bhatnagar, J.M.

By this O.A. filed under section 19 of A.T.Act, 1985,
the applicant has sought relief by directing the respondents
to absorb the applicants against Class IV post after due
screening with consequential benefits.

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(2.) The case as per applicant is that he joined Railway service as Traffic Substitute on 18.12.1983 under Deputy Station Superintendent/Kutchman. He worked for 103 days as Kutchman thereafter he worked as substitute under station superintendent, Dheena for more than three years from 1983 to 1990 but he was given working certificate of 416 days only. It is further submitted that having worked for more than 120 days, he is entitled to be screened for regular absorption against Class IV post vide Railway Board's order dated 03.12.77. It is also claimed that the respondents arbitrarily and illegally approved the list of substitutes after screening vide letter dated 18.08.88 without calling the applicant for screening. It is also claimed that on 20.06.90 and 23.11.95 Special Recruitment Drive to fill up short fall of scheduled caste quota took place. The applicant also applied for, being scheduled caste but, he was not called for screening. It is also claimed that his juniors namely Rajendra Yadav, Babban Yadav, Sankar Kharwar, Sheo Kumar etc. were screened and absorbed on regular basis but the applicant request was not acceded to. The applicant sent his representation on 11.10.1998 but, no action was taken on it by the respondents. Hence, the applicant has filed this O.A.

(3.) I have heard learned counsel for the applicant and learned counsel for the respondents and perused the records carefully.

(4.) Learned counsel for the applicant submitted that as the applicant has served for more than 120 days so he is

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entitled to be screened and absorbed. He has also submitted that the respondents have illegally and arbitrarily applied pick and choose policy and has not considered the applicant for screening while his juniors were screened and absorbed.

(5.) The learned counsel for the respondents contested the case by filing the counter reply. He invited my attention on para 10 of the counter reply, in which it is stated that the applicant has not been duly appointed as no appointment letter was issued to the applicant and merely recording his name in the register at the stations by the Station Master on pick and choose basis, does not give him right for engagement and absorption. Hence, the working days shown at the different stations does not give right to the applicant to be engaged or absorbed. It is also contended that the applicant was not appointed by any competent authority so implementation of any letter of Railway Board does not arise. It is further contended that an approved list of the substitutes were published vide office letter dated 18.8.83 after screening ~~the~~ those substitutes whose record is available in the office and who are engaged as substitute by the competent authority. It is also contended that no representation was ever received in the office of the respondents. It is further contended that the Railway Board's letters are only applicable for the persons engaged by the competent authority.

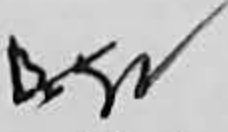
(6.) In view of the aforesaid discussion I am of the opinion that interest of justice will be better served if the representation of the applicant dated 11.10.98 is decided sympathetically with a reason^d and speaking order. However, the applicant is given liberty to file a fresh representation giving full facts of his working in the Railways, within a month alongwith a copy of this order

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and the respondents shall decide the same within three months from the date of receipt of the fresh representation if so filed by the applicant. The O.A. is disposed of with the above direction.

(7) There shall be no order as to costs.


Member (J.)

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