

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH : ALLAHABAD.

Original Application No. 1505 of 2000

Allahabad this the 2nd day of September 2004.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

1. Pramod Kumar
Son of Babaddin
R/o 40, Mutthiganj, Allahabad.
2. Pappu son of Pintu
Resident of 89, Shahganj,
Garhikala, Allahabad.
3. Ramesh Chandra
Son of Sri Sangam Lal
Katra, Allahabad.

.....Applicants.

(By Advocate : Sri B.N. Singh)

Versus.

1. Union of India
through General Manager
Northern Railway, Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway, D.R.M Office,
Allahabad.
3. The Divisional Commercial Manager,
Northern Railway, D.R.M. Office,
Allahabad.
4. Jagesh Kumar
Son of Sangam Lal
Room No. 692-E Old Katra,
Allahabad.
5. Lalita Prasad
son of Naithu,
Subedarganj, 1 Colony
Allahabad.

.....Respondents.

(By Advocate : Sri A.K. Pandey)

O_R_D_E_R

Heard Sri B.N. Singh learned counsel for the
applicant and Sri A.K. Pandey learned counsel for the
respondents.

2. The applicants were initially appointed as Casual

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Labour and were entered in the Live Casual Labour Register. For the purpose of regular appointment, they were subjected to medical tests in which they were found fit for appointment in C-1 category as would be evident from the document dated 15.04.1998 annexed as Annexure A-6. It appears that there were five vacancies at Allahabad Station and could be filled up by the candidates found medically fit. Recommendations were made in favour of the applicants and two others as would be evident from Annexure A-8. Further, it appears that Additional Divisional Railway Manager, Allahabad accorded approval for appointment against the vacant posts at Allahabad Station. Divisional Commercial Manager, Allahabad was directed to ensure the appointment of the applicant vide office note dated 20.04.2000. A copy of which has been annexed as Annexure A-10. Despite all these, the applicants have not been appointed/engaged on the post of Safaiwala.

3. The defence taken in the counter affidavit is that though the applicants were found suitable in C-1 category, but the same was not permissible in view of the Railway Board letters dated 22.04.1998 and 29.08.1983. In view of the order dated 20.04.2000 that there has been a specific direction and order by the Competent Authority to make appointment and to ensure the appointment of the applicants who have been found medically fit for appointment in C-1 category and the fact that the order aforesaid was never recalled, the applicants are entitled for the reliefs claimed.

4. Accordingly, the O.A. succeeds and is allowed. The Divisional Railway Manager, North Central Railway, Allahabad shall ensure appointment of the applicants on the post of Safaiwala at Allahabad Station within a period of two months from the date of receipt of a copy of the order.

No costs.

DR
Vice-Chairman.