

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.342 OF 2002
ALLAHABAD THIS THE 7TH DAY OF APRIL, 2003

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

Mohd. Husain ,
son of Shri Baqridi,
Resident of Qr. No.131/89,
Begum Purwa,
Kanpur Nagar,

.....Applicant

(By Advocate Shri L.M. Singh)

Versus

1. Union of India,
through General Manager,
Northern Railway, Baroda House,
Kashmiri Gate,
New Delhi.
2. Divisional Rail Manager,
Northern Railway Allahabad,
Division Allahabad.
3. Divisional Engineer,
Rail Path (Pradhan) East,
Northern Railway,
Kanpur Nagar.


.....Respondents

(By Advocate Shri A.K. Gaur)

ORDER

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

Learned counsel for the applicant submitted that the applicant
was initially engaged as a Casual Jeep Driver on 01.06.1974



and since - 22.05.1975 he has been working as a regular driver till now. It is further submitted by the applicant that vide annexure A-1 the respondents had taken a policy decision to make payment of C.P.C. arrears to Casual Labourers for the period from 1973 till the actual date of grant of C.P.C. but the days etc. were to be counted and verified as mentioned in the Casual Labour Card. (Page 9). Thereafter the office of D.R.M. issued another letter dated 12.07.2001 stating therein that with regard to the non-payment of C.P.C. arrears claim of the Staff/Casual Labourer of Civil Engineering Department, the cases should be kept ready in the respective units, as per the bills raised, so that the team consisting of three members may decide the claim of persons concerned after due verification (Page 13). It is submitted by the applicant that pursuant to these letters the applicant also gave his claim for grant of arrears as he had been working since 1975 and was also granted temporary status in 1980 and was empanelled for regularisation in 1989. It was, thus, submitted by the applicant that since he had already worked continuously for 439 days from 22.05.1975 to 03.08.1976 as a Motor Driver under Divisional Accountant S.A. Northern Railway Electrification, Aligarh, and he had also further worked for 134 days from 22.12.1976 to 04.12.1977 under the Superintendent, Kanpur area which is now known as Area Manager. Therefore, he is entitled to the arrears of C.P.C. Scale as mentioned in Annexure A-1. Therefore, he requested the D.R.M. through proper channel to grant him temporary status after completion of 120 days service and to clear the arrears after regularising him, so that he may get the benefits in his pension and gratuity (Page 14). The applicant's counsel has submitted that he

has also submitted his Casual Labour Card to substantiate his claim but respondents have not passed any order on his representation till date, therefore, he was pleased to file the present O.A. seeking the following reliefs:-

"i) Issue a writ order or direction in the nature of mandamus commanding the respondents to make payment of difference of arrears of C.P.C. scale from the date when applicant was completed 120 days of casual service alongwith 18% interest.

ii) Issue any other and further writ, order or direction which this court may deem fit and proper in the facts and circumstances of the case."

2. Learned counsel for the respondents, in their counter affidavit, have stated that applicant had not completed 120/180 days regular service in one TLA, therefore, he cannot be considered for regularisation from the date he has mentioned in the O.A. However, as far as the details of arrears of Casual Labourers are concerned, the same have been prepared and sent to the Division for scrutiny and since there are still requires --- some more formalities to be completed, it will be sent back again soon and since the arrears have already been prepared with the other casual labourers, it shall be paid to the applicant after completing all the formalities.

3. Learned counsel for the applicant submitted that the matter is being delayed unnecessarily, therefore, some time bound direction may be given to the respondents to complete the formalities and make the payment of arrears within a stipulated period.

4. In view of the fact that respondents have already been

stated in their Counter affidavit in para 9 that the arrears of the applicant have already been prepared with the other casual labourers and shall be paid later on after completing all the formalities, I think this case can be disposed off by giving a direction to the respondents to complete all the formalities within a period of four months from the date of receipt of a copy of this order and make the payment of arrears to the applicant immediately, thereafter, in any case, not later than four months from the date of finalisation of the bills.

5. With the above directions, this O.A. is disposed of at the admission stage itself with no order as to costs.



Member-A

/Neelan/