

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 13th day of September, 2002.

Original Application No. 683 of 2002.

Hon'ble Mrs. Meera Chhibber, Member- J.

Jugal Kishore S/o Sri Hira Lal Kushwaha
R/o M.A 542/A, Rani Laxmi Nagar Railway Colony
(West), Jhansi.

.....Applicant

Counsel for the applicant :- Sri D.K. Sony

V E R S U S

1. Union of India through the General Manager,
Central Railway, CST, Mumbai.
2. Divisional Railway Manager, Central Railway,
Jhansi.
3. Senior Divisional Engineer (Co.),
Central Railway, Jhansi.

.....Respondents

Counsel for the respondents :- Sri K.P. Singh

O R D E R (Oral)

(By Hon'ble Mrs. Meera Chhibber, Member- J.)

By this O.A, the applicant has sought the
following reliefs :-

- i) to issue a suitable direction, directing the
respondents to consider the petitioner to be
regularised on the said post of M.R.C.L
(Artisan) in grade III at pay scale of Rs.
950-1500 from the date i.e. 28.12.1992 on
which one Rakesh S/o ^{Sri} Ganesh, similarly situated
to the petitioner has been regularised at the
same grade and pay scale Rs. 950-1500.
- ii) to issue a suitable direction to the respondents
to pay the salary and all other consequential
benefits from the date i.e. 28.12.1992 one
Rakesh S/o Sri Ganesh has been regularised.



iii) to issue a suitable direction which this Court may deem fit and proper in the facts and circumstances of the case.

iv) to award cost of the petitioner to be paid to the applicant.

2. The applicant's case is that he was initially engaged as casual labour on 22.04.1978. He was promoted to the post of M.R.C.L Khalasi on 26.06.1982 and later on when the vacancies of Artisan in grade of Rs. 950-1500 were available, he was permitted to sit in the trade test alongwith others and when he passed the same, he was promoted as M.R.C.L Fitter in Artisan category in the grade of Rs. 950-1500 on 02.12.1988. Since then, it is claimed by the applicant, he has been working on the same post.

3. It is further submitted by the applicant that on 26.03.1990 and 10.07.1990, the applicant alongwith others was screened for regularisation and even though he had passed in the said screening he was not regularised while other persons similarly situated were regularised. It is stated by the applicant that till date he is working as M.R.C.L category (Artisan) in the grade of Rs. 950-1500 ^{without being regularised} aggrieved by which, he has given his representation to the D.R.M, Central Railway, Jhansi (respondent No. 2) a copy of which has been annexed as annexure A- 7 ^{the R2} requesting authorities to give him the same benefits as have been given to other similarly situated persons but till date neither any reply has been given nor his representation has been decided by the authorities. Thus having no alternative, he has approached this Tribunal.

4. Sri K.P. Singh, learned counsel for the respondents has opposed the admission of the O.A on the ground that

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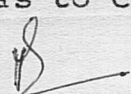
this O.A is barred by limitation as the applicant is seeking relief of regularisation as M.R.C.L (Artisan) in the grade of Rs. 950-1500 w.e.f 28.12.1992 on which date some other similarly situated persons were further regularised. It is submitted by the learned counsel for the respondents that if the similarly situated persons were regularised in the year 1992 while denying the same to the applicant, the cause of action ~~should~~ have arisen in 1992-1993. Therefore, such relief cannot be granted to the applicant at such belated stage.

5. I have heard learned counsel for the parties and perused the pleading.

6. In view of the facts that the applicant has made specific averments that he has been working with the respondents from 22.04.1978 continuously and still working as M.R.C.L Fitter Artisan in the scale of Rs. 950-1500, ^{though without being regularised therefore} without going into the merits of the case I think that this case can be disposed of by giving direction to the respondents to consider the representation given by the applicant and pass a speaking reasoned order thereon in accordance with law within a period of three months from the date of receipt a copy of this order. The decision taken thereon shall be communicated to the applicant and if he ^{is} still aggrieved, it will be open to the applicant to approach the Tribunal.

7. With the above direction, the O.A is disposed off finally.

8. There will be no order as to costs.


Member- J.

/Anand/