

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD

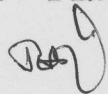
Original Application No. 1293 of 2003.

Allahabad this the 07th day of October, 2004.

Hon'ble Mr. Justice S.R. Singh, V.C.
Hon'ble Mr. D.R. Tiwari, A.M.

Original Application no. 1293 of 2003.

1. Smt. Binda Devi
W/o Late Jitendra Prasad
2. Smt. Vimla W/o Late Lalmani.
3. Ram Byzarat S/o Sri Gavri Yadav
4. Ram Subhag son of Late Ram Asrey.
5. Ram Chandra Gupta S/o Sri Narain Gupta
6. Rajendra Pd. son of late Dukhi.
7. Dharam Raj S/o Ayodhya Prasad
8. Swam Nath son of Sri Ram Awadh.
9. Jagdish Prasad son of late Ram Asrey.
10. Moti Son of Sri Kunjan.
11. Ganesh Prasad S/o Sri Nagai Prasad.
12. Ram Naumi Gaur son of Sri Ram Priti Gaur
13. Solhu S/o Late Ram Pyare.
14. Ramakant son of Sri Inner
15. Davendra Pratap Chauhan son of Sri Phool Chandra.
16. Bechey son of Sri Badal.
17. Mool Chand son of Sri Katwaru.
18. Marjat Prasad son of Sri Paltu.
19. Shanker Prasad son of Sri Alagu
20. Shanker Chaudhary son of Sri Lautan
21. HeeraLal son of Sri Ram Samujh
22. Ram Iqbal son of late Nathuni.
23. Sohan Lal son of Sri Chhedi.
24. Mukteshwar Son of Sri Vindhyaachal
25. Ram Ashish son of Sri Nebar.
26. Adya Ram Rai son of late Ram Sumeran Rai
27. Rajendra Dixit son of Sri Luxmi Dixit.



28. Ramesh Kumar Yadav son of Sri Ram Dev.
29. Sunil Kumar Son of Sri Jeet Bahadur
30. Malti Devi S/o Sri Jai Narain.
31. Bechan son of Sri Nibber.
32. Bal Batra Tiwari son of Sri Hari Nandan Tiwari.
33. Ramesh Kumar Yadav son of late Ram Chandra Yadav.
34. Lallu Prasad son of Sri Darghai
35. Sheo Poojan Son of Sri Ram Bali.
36. Devi Prasad son of Sri Rupai.
37. Ram Krishnity Prasad Son of Late Sri Ram Dulare.
All working as Substitute in Commercial Department
of NE Railway, Gorakhpur.

.....Applicants.

(By Advocates : Sri V Budhwar/
Sri D Pandey)

Versus.

1. Union of India through the
General Manager, N.E. Railway, Gorakhpur.
2. The General Manager, NE Railway,
Gorakhpur.
3. The Divisional Railway Manager,
NE Railway Gorakhpur/Lucknow.
4. The Senior Divisional Commercial Supdt.
NE Railway Lucknow.
5. Chief Personnel Officer, N E Railway,
Gorakhpur.
6. Station Manager, NE Railway, Gorakhpur.
7. Suresh Chandra Gupta Son of Ramdhani,
Hammal, Station Master, Gorakhpur.
8. Amarnath son of Phirangi,
Hammal, Station Master, Gorakhpur.
9. Munni Lal Son of Shri Chandrabali,
Hammal, Station Master, Gorakhpur.
10. Dilip Kumar son of Dhanpat,
Hammal, Station Master, Gorakhpur
11. Phool C-handra son of Bholu
Hammal, Maitran Vasrol, Gorakhpur.
12. Radhey Shyam son of Banshi.
Hammal, Maitran Vasrol, Gorakhpur.
13. Sant Lal son of Sheetal,
Hammal, Maitran Vasrol, Gorakhpur.
14. Rama Kant son of Dubari,
Hammal, Maitran Vasrol, Gorakhpur.

....Respondents.

(By Advocate : Shri K.P.Singh)

ORDER

By Justice S.R. Singh, V.C.

Sri D. Pandey, learned counsel for the applicant and Sri D.P. Singh brief holder of Sri K.P. Singh, learned counsel for the respondents.

2. The applicants who have been working as 'HAMAL' in Railway Station Gorakhpur are aggrieved by the order dated 07.10.2003 (Ann A 1) which reads as under:

पूर्वोत्तर रेलवे

कार्यालय स्टेशन प्रबन्धक
पूर्वोत्तर रेलवे गोरखपुर
दिनांक-07-10-03

- 1- वा0अधी08 पार्सल/ट्राजिट/बुकिंग/माल गोरखपुर
- 2- मैट्रन विश्रामाल/गोरखपुर
- 3- सी0आई0टी0/गोरखपुर
- 4- टीटीआई0/गोरखपुर
- 5- उप स्टेथी0वा08 गोरखपुर ।
- 6- टीएनसी/कवर/गोरखपुर।
- 7- स्टेंगा/कैशा/गोरखपुर।
- 8- सी0आर0एच/गोरखपुर ।

विषय - वाणिज्य सबसटीच्यूट को कार्य पर लगाने के सम्बन्ध में ।

हम्माल के 17 पद अभ्यर्पित हो जाने एवं वेन्डर की पदस्थापना हम्माल के पद पर हो जाने के फलस्वरूप कुल 225 कार्य दिवस शोष बचता है । जिसमें 44 वाणिज्यिक सबसटीच्यूट को इस पर लगाना है । इस हिसाब से प्रत्येक वाणिज्यिक सबसटीच्यूटों को इसमें केवल 5 दिन ही कार्य देना सम्भव हो सकेगा ।

अतः कार्यरत वाणिज्यिक सबसटीच्यूट को उपरोक्त निर्देशानुसार सिद्दी कार्य पर लगायें अगले माह तक वरीयता उपलब्ध होने पर वरीयता के क्रम में स्टेशन पर केवल 8 सबसटीच्यूटों को ही कार्य देना सम्भव हो पायेगा शोष 36 सबसटीच्यूट को कार्य देना सम्भव नहीं होगा । उपरोक्त आदेश का पालन न करने पर सम्बन्धित पर्यवेक्षकज जबाब देय होंगे ।

ह0/अस्पष्ट

7/10

स्टेशन प्रबन्धक/गोरखपुर

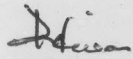
3. In addition of the prayer for quashing of the aforestated order the applicants have also prayed for issuance of direction to the respondents to consider their case for regularisation/absorption on the post of Hamal in Commercial department of the Railways.


4. So far as the relief of quashing of the order dated 07.10.2003 is concerned, suffice to say that applicant's counsel himself stated at bar that all the applicants have since been given work notwithstanding anything to the contrary contained in the order dated 07.10.2003 and the only cause of action that survives now is with regard to the applicants' claim for regularisation/absorption. In this view of the matter we are of the view that it is a fit case to dispose of at the admission stage itself with the direction that in case the applicants ²preferred ³the representation jointly or separately staking their claim for regularisation/absorption, ²the Competent Authority shall look into the grievances of the applicants and take appropriate decision in respect of their claim ²for absorption in accordance with law after proper self direction to the content ²of the applicants ²as put forth in their representation/representations within a period of three months from the receipt of date of copy of this order. The representation may be decided by means of reasoned and speaking order.

5. Accordingly, the OA is disposed of finally at the admission stage itself with direction that in case the applicants ²preferred ²representation/representations staking their claim for absorption/regularisation, ²the Competent Authority shall decided the same by a reasoned and speaking order in accordance with law after proper self direction within a period of three months from the date of receipt of copy of this order. ²

of this order alongwith representations. representations

6. There shall be no order as to costs.


Member-A


Vice-Chairman.

pc/-