

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.36 OF 2003

ALLAHABAD THIS THE 13TH DAY OF OCTOBER 2008

HON'BLE MR. JUSTICE A. K. YOG, MEMBER-J

Suresh Kumar Gupta,
Aged about 39 years, Son of
Shri Hari Prasad, R/o
C/o Kamal Mill Stores, Dharmashala Road,
Golghar, District-Gorakhpur.

..... .Applicant

By Advocate : Shri Rakesh Verma

Versus

1. Union of India through General Manager,
North Eastern Railway, Gorakhpur.
2. The Divisional Railway Manager,
North Eastern Railway, Lucknow.

..... . Respondents

By Advocate : Shri K. P. Singh

O R D E R

Heard Shri Rakesh Verma, learned counsel for the applicant and Shri K. P. Singh, learned counsel for the respondents.

2. Perused the pleadings and the documents annexed with the OA. The parties have accepted pleadings. However, I do not wish to enter into the disputed contentions and consequential issues raised in the present OA in view of order dated 12.12.2007 which reads as follows:-

"While according to the applicant, Jagdish and Rajendra Prasad shown at sl. No.4 and 5 in the impugned order dated 20.3.2002 have already been re-engaged or regularized and in support of it he had filed pay slip

(Signature)

(Annexure-9) of one Rajendra Prasad Vishwakarma, Son Shri R.R. Vishwakarma and pay slip (Annexure-2) of Jagdish Gupta, Son of Swaminath Gupta. The respondents have come with a case that none of 10 persons shown on page 2 of the impugned order has been re-engaged or regularized on the basis of entries of their names in Live Casual Labour Register maintained in the office of Asstt. Divisional Engineer (W), Gorakhpur. According to them, Jagdish Gupta, Son of Swaminath or Rajendra Prasad Vishwakarma, Son of Shri R. R. Vishwakarma are working in another unit. They have attempted to say that they were not absorbed or re-engaged on the basis of their position in the Live Casual Labour Register maintained by Asstt. Divisional engineer (W) Gorakhpur. As this appears to be third or fourth OA of the same person as his name figures at Sl. No.135 in the live Casual Labour Register kept by the Asstt. Divisional Engineer (W) Gorakhpur, so with a view to decide the matter finally and effectively, the respondents are directed to file supplementary affidavit by the next date on the following points.

- (i) Whether Rajendra Prasad Vishwakarma, Son of Shri R. R. Vishwakarma working as Typist in the Office shown in Annexure-9 as well as Jagdish Gupta, Son of Swaminath working as Helper as shown in (Annexure-2) were re-engaged or regularized on the basis of their position in the Live Casual Labour Register maintained by Asstt. Divisional Engineer (W) Gorakhpur.
- (ii) What are the names of the fathers of the respective ten persons and their addresses shown on page-2 of the impugned order.

List this matter for hearing/orders
on 25.01.2008".

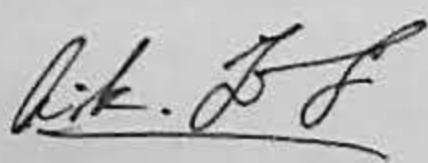
3. Learned counsel for the applicant informs that respondents have not responded in pursuance to the aforesaid order. Moreover no supplementary affidavit has been filed till date by the respondents inspite of the order of the Tribunal.

(W)

4. Time is an essence in the nature of the claim made by the applicant.

4. In view of the above, it is expedient that applicant be required to file a comprehensive representation about his claim along with a certified copy of this order within a period of six weeks from today before respondent no.2/Divisional Railway Manager, North Eastern Railway, Lucknow and the said authority/respondent no.2 shall, on receipt of representation (referred to) being filed as contemplated/stipulated above, decide said representation within two months of receipt of said representation and shall also answer the questions referred to in the Tribunal order dated 12.12.2007 (indicated above) in accordance with law exercising unfettered discretion by passing a reasoned/speaking order. Decision taken shall be communicated to the applicant forthwith.

4. The OA stands allowed by mounding to the relief indicated above. No Costs.



(A. K. Yog)
Member-J

/ns/