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OPEN COURT**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD**

ORIGINAL APPLICATION NO.1349 of 2006

Allahabad, this the 6th day of March, 2008

Hon'ble Mr. Justice Khem Karan, V.C.

1. Hari Lal son of Anroop, resident of village Rehati, Post Office Trilochan Mahadeo, District Jaunpur (UP).
2. Raghu Nandan Son of Dukh Haran, resident of Village Abhram, P.O. Malipur, District Akbarpur.
3. Ram Kewal Son of Ram Charan, resident of Village and P.O. Sheo Pal, Jaitpur District Akbarpur (UP).

...Applicants.

(By Advocate : Shri P.N. Tripathi)

Versus

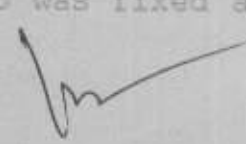
1. Divisional Railway Manager, Northern Railway, Lucknow Division, Lucknow.
2. Senior Division Personnel Officer, Northern Railways, Lucknow Division, Lucknow.
3. Assistant Engineer, Northern Railway, Jaunpur.
4. Assistant Personnel Officer, R.R.Cell, Northern Railway, Lajpath Nagar, New Delhi 110024.
5. Union of India through General Manager, Northern Railways, New Delhi.

...Respondents.

(By Advocate : Shri P.Mathur)

ORDER

Heard Shri P.N. Tripathi, ~~appears~~^{was} for the applicant and Shri P.Mathur for the respondents, on admission of this OA and also perused the contents of the OA and paper annexed with.


2. The applicants are praying for quashing Employment News No. 01 of 2005 according to which an open selection was to be made and for that, 19.11.2005 was fixed as the
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last date for submission of the application forms. Applicants, state so long on their claims to as ex-casual workers, are pending, the respondents cannot fill in Group 'D', vacancies, from open market. They had earlier filed one OA No.1000/91, which this Bench disposed of vide order dated 22.4.1992 (Annexure-A-3) directing the respondents to consider the cases of the applicants for regularization, in case such regularization does not affect other employees. In compliance of those directions, the respondents issued order dated 16.10.1992, saying that their regularization was not possible since 66 senior ex-casual workers were still waiting for re-engagement or regularization.

3. Shri P.Mathur, counsel for the respondents has drawn the attention of the Bench towards the ages of the applicants, which according to the material on record, are close to above 50 or more than that. Learned counsel for the respondents says that in view of the decision dated 3.8.2006 Hon'ble High Court in Writ Petition No.21799/06 Union of India & ors. V. Ajay Kumar and others, this Tribunal cannot give direction for absorbing/regularizing such over-aged persons.

4. Learned counsel for the applicants submits that the ages of the applicants at present will not come in the way of getting the directions for regularization or for regularization. He says that the applicants have had been litigating since 1991 and if during the course of this, they have crossed the upper age limit, so fixed by the respondents for reengagement of Ex-Casual Worker, the applicants cannot be denied regularization or absorption on the ground that they have crossed the upper age limit.

5. After having considered the respective submissions, I am of the view that the OA is not worth admission. Evidently the applicants have crossed the upper age limit



and in view of the judgment so cited by respondents' counsel, the Tribunal is not in a position to issue a direction for absorption or regularization. Hence, the OA is dismissed as not admitted. No costs.

1. Am...
07/3/08
Vice-Chairman

RKM/