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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: this the 13th day of OCTOBER 2008

Original Application No.338 of 2007

Hon'ble Mr. A.K. Gaur, Member (J)

Hasan Khan, S/o Sattar Khan, R/o Mahmood Pura, Kalpi,
Distt: Jalaun.

..Applicant

By Adv : Shri S.M. Ali

Versus

1. Union of India, through North Central Railway,
Allahabad.
2. Divisional Railway Manager, North Central Railway,
Jhansi.

..Respondents.

By Adv : Sri A.K. Pandey

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Heard Shri S.M. Ali, brief holder of Shri K.K. Tripathi, learned counsel for the applicant and Shri A.K. Pandey, learned counsel for the respondents.

2. By means of this OA the applicant has prayed for the following main reliefs:

"i. To issue a writ order or direction in the nature of mandamus thereby commanding the respondent to consider the petitioner for screening/absorption in Group 'D' Class-IV post for which a time bound direction is fervently prayed."

3. It is seen from the record that the applicant has claimed to have worked from 28.07.1977 to 18.09.1977

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under Signal Inspector Orai and further from 02.05.1978 to 18.09.1979 under Senior Section Engineer (Tele). It has also been alleged by the applicant that he was worked as casual labour from 03.10.1980 to 18.04.1981 under PWI Orai and further worked from 26.09.1981 to 18.03.1982 under Senior Section Engineer (Signal) Jhansi.

4. In pursuance of the Railway Board's letter dated 28.02.2001 it was decided to absorb Ex. Casual Labours borne on the Live Casual Labour Register and Suppl. Live Casual Labour Register. The decision was also taken by the Railway Board after discussion with the Union federations. Photocopy of the Railway Board's letter dated 28.02.2001 is annexed as Annexure CA-1 to the counter affidavit. In pursuance of the Railway Board order dated 28.02.2001 and other relevant instructions a notification dated 30.08.2001 was issued by the Divisional Railway Manager, Lucknow inviting application from Ex. Casual Labours having worked for 120 days and whose names were borne on the Live Casual Labour Register. The ground of the respondents is that the applicant has not at all filed representation duly forwarded by the Depot Incharge in pursuance of the aforesaid notification in time.

5. Shri Pandey learned counsel for the respondents has also invited my attention to the order dated 27.02.2008 by which this Tribunal directed the

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applicant's counsel to produce the endorsement from the postal department with regard to delivery of letter sent by the applicant to the respondents.

6. Having heard parties counsel I find that there is not an iota of evidence to indicate that the applicant preferred any representation to the respondents and the said representation was received by them within specified period through Depot Incharge. In my considered opinion there is no merit in this case.

7. During the course of arguments learned counsel for the applicant admitted that he has given bio data to the respondents but the same was not duly forwarded by the Depot Incharge, even on this ground alone the OA is not maintainable because the representation should have been forwarded by the Depot Incharge. It has also been contended by the learned counsel for the applicant that the applicant has already preferred two representations through registered post, but the same has not been decided by the respondents.

8. In view of the aforesaid statement of fact, I hereby direct the applicant to prefer a fresh representation before the competent authority within 10 days from the date of receipt of a copy of this order, and if such a representation is filed by the applicant, the same shall be considered and disposed of by the competent authority within a period of 03

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months by a reasoned and speaking order from the date of receipt of representation alongwith copy of this order.

9. In view of the above the OA is disposed of. No cost.

A.K. Gaur
(A.K. Gaur)
Member J

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