

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1077 of 2008

Tuesday, this the 27th day of January, 2009

Present:

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

1. Chandra Bhushan, S/o Saj Nath, R/o Village and Post-Rampur Udai Bhan, District-Ballia.
2. Laxman S/o Rameswar, R/o Village-Sabantha, Post-Chaura, District-Ballia.
3. Saral S/o Naresh, R/o Village-Harpur, Post-Birbhanpur, District-Varanasi.
4. Zameel Ahemad S/o Jumai R/o Judges Kachahari Compound, District-Deoria
5. Imanul Haque, S/o Sukurulla R/o Mohalla-Miyan Bazar, Purab Phatak (Eastern Gate), Gorakhpur.
6. Zameel Ahemad S/o Samsuddin, R/o Village and Post-Farahi Rampur, District-Maunath Bhanjan.
7. Rajendra S/o Shyam Lal, R/o Mohalla-Misirpur, Lahartara, Varanasi.
8. Kalloo S/o Madhuban Prasad, R/o Village and Post-Nanhul, District-Ballia.
9. Mahadev Ram S/o Ganesh Ram, R/o Village-Pyerin Post-Andi, District-Ballia.
10. Lallan S/o Maina, R/o Village-Sabantha, Post-Chaura, District-Ballia.

Applicants

By Advocate: Sri Ashok Trivedi

Vs.

1. Union of India, through General Manager, North Eastern Railway, Gorakhpur.
2. Divisional Rail Manager (Personnel), North Eastern Railway, Varanasi.



3. Divisional Mechanical Engineer, North Eastern Railway, Varanasi.
4. Senior Section Engineer, North Eastern Railway Chhapra (Bihar).
5. Senior Section Engineer, Samadi Mandwadih, North Eastern Railway, Varanasi.
6. Deputy Chief Personnel Officer (Recruitment), Railway Recruitment Cell, North Eastern Railway, C.C.M. Annexee Building, Railway Road No.-14, Gorakhpur (U.P.), -273012.

Respondents

By Advocate: Sri D.S. Shukla

O R D E R

Delivered by Justice A.K. Yog, J.M.

The applicants have been approaching this Tribunal since year-2001 by filing petitions under Section 19 of the Administrative Tribunals Act, 1985. Order passed by this Tribunal dated 09.07.2004 in O.A. No. 1477 of 2003, it is evident that the respondents raised various pleas to contest the claim of the applicants who claim 'absorption' on regular basis in services on the basis of their names appearing in the list as per their preference/seniority and eligible for absorption (Annexure-5 to this O.A.)

2. The applicants also filed O.A. No. 1476 of 2003 (Kallu and two others vs. Union of India and others) which was decided by this Tribunal vide Order dated 18.03.2008/Annexure-6 to the O.A. directing the Respondents to consider the claim of the applicants within a period of three months from the date of Order by following procedure in accordance with law.

3. Documents annexed with the O.A., show that the Respondents have been, from time to time, amending seniority and downgrading the Applicants from higher to lower place. This is evident from perusal of the Orders passed in the year 2005/Annexure-7, 8 and as compared to the Orders dated 30.06.2008/Annexure-10, 11, 12 and 13.



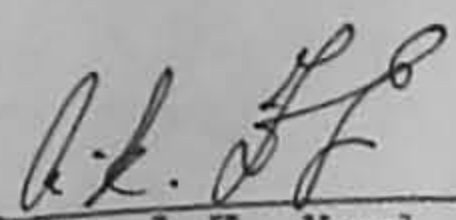
4. According to the applicants, after above referred Order dated 18.03.2008 the applicants had approached the department through letter/representation dated April 2008.

5. According to the applicants, they have not been intimated nor informed in the matter and instead the respondents advertised several posts of Safaiwala as is evident from the copy of advertisement published on 08.12.2007/Annexure-1 to this O.A. According to the applicants posts are still 'vacant', but respondents are arbitrarily ignoring their claim. And on the other hand, going to fill up the posts directly.

6. In view of the above, it is appropriate to give direction to the respondents to consider claim of the applicants forthwith in their respective zones and if they are eligible they must be considered for absorption-before filling up those posts for direct recruitment.

7. The O.A. is allowed with direction to the Respondents to consider claim of absorption/regularization of the applicants forthwith in their respective zones and if they are eligible and posts are available for regularization/absorption before filling up the post by direct recruitment within three weeks of receipt of certified copy of this order. It is further provided that seniority of applicants, as maintained in the year 2005 alone shall be taken into account unless before making any amendment/change in seniority- due opportunity is given to the concerned.

8. There shall be no order as to costs.


[Justice A.K. Yog]
Member 'J'

/M.M/