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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

M.A.No. 427/88

with

O.A. No. 316/1988
Case No.

DATE OF DECISION 25-2-1992.

Shri Abu Hussen, **Petitioner**

Mr. B.B. Gogia, **Advocate for the Petitioner(s)**

Versus

Union of India & Ors. **Respondents**

Mr. B.R. Kyada, **Advocate for the Respondent(s)**

CORAM :

The Hon'ble Mr. M.Y. Priolkar, Member (A).

The Hon'ble Mr. R.C. Bhatt, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *N*
3. Whether their Lordships wish to see the fair copy of the Judgement? *N*
4. Whether it needs to be circulated to other Benches of the Tribunal? *N*

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Shri Abu Hussen,
Muslim, Adult,
Add: Behind RPF Quarters,
Mufatiapara,
Rukhadia Railway Colony,
Rajkot.

.... Applicant.

(Advocate: Mr. B.B. Gogia)

Versus.

1. Union of India
through General Manager
Western Railway,
Bombay.

2. Divisional Railway Manager,
Western Railway,
Rajkot.

.... Respondents.

(Advocate: Mr. B.R. Kyada)

ORAL ORDER

M.A.No. 427/1988

with

O.A.No. 316/1988

Date: 25-2-1992.

Per: Hon'ble Mr. M.Y. Priolkar, Member (A).

This M.A.No. 427/1988 has been filed by the applicant praying for condonation of delay in filing this Original Application No. 316/1988.

In view of the circumstances explained in this M.A. and since the learned advocate for the respondents have no objection, We admit this application condoning the delay in filing this O.A. and proceed to dispose it of on merit after hearing the learned counsel on both sides.

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2. The applicant was originally engaged as casual labourer under PWI Rajkot on project work on 8.7.1977 and continued in service in various broken spells from 8.7.1977 to 31.3.1985. The prayer of the applicant is for a direction to the respondents to interpolate and insert the name of the applicant in the seniority list of casual labourers to be prepared or prepared as per Railway Board's circular in pursuance of the Supreme Court judgment in Indrapal Yadav's case. The applicant also prays for regularisation after screening and for all consequential benefits.

3. The respondents in their written reply have stated that the applicant has worked with the respondents from 8.7.77 to 29.9.77 and thereafter ~~for~~ broken periods until he left the job from 1.4.85. According to the respondents, the applicant has worked with the railway for a total period of 213 days. The learned counsel for the respondents, however, ~~considered~~ ^{conceded by} that the railways will have no difficulty ⁱⁿ ~~for~~ accepting the request of the applicant for interpolating and inserting his name in the seniority list according to the ^{service by} total period of 213 days for which there is no dispute. Obviously, the applicant's case for regularisation would be considered by the

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respondents after screening as and when his turn comes according to the seniority on the basis of his 213 days service with the railways. This application is accordingly disposed of finally with the direction that the applicant's name be interpolated and inserted in the seniority list of casual labourers on the basis of his total service with the railways of 213 days and that his case will be considered for regularisation after screening as and when his turn comes and in case he is regularised the consequential benefits should ~~fall due~~ follow. There will be no order as to costs.

R.C.B.

(R.C.Bhatt)
Member (J)

M.Y.Priolkar

(M.Y.Priolkar)
Member (A)