

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No.
~~X.P.A.X.No.X~~

504 of 1993 with MA.NO. 469 of 1993.

DATE OF DECISION 04.01.1994.

Smt. Radhaben Amarshi

Petitioner

Shri B.B.Gogia

Advocate for the Petitioner(s)

Versus

Union of India and ors.

Respondent

Shri B.R.Kyada.

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.B.Patel

: Vice Chairman

The Hon'ble Mr. K.Ramamoorthy

: Member (A)

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

No

: 2 :

Smt. Radhaben Amarshi,
indu, Adult, Occupation : Nil,
Address : Charakala Road,
Kandasbapu's Ashram,
Dwarka.

...Applicant.

(Advocate : Mr. B. B. Gogia)

Versus

1. Union of India,
Owning and Representing,
Western Railway,
Through : General Manager,
Western Railway,
Churchgate,
Bombay - 400 020..
2. Chief Engineer (Construction),
Western Railway,
2nd Floor, B.G. Station Building,
Railwaypura P.O.,
Ahmedabad - 380 002.
3. Divisional Railway Manager,
Western Railway,
Rajkot Division,
Kothi Compound,
Rajkot.- 360 001.

...Respondents.

(Advocate : Mr. B. R. Kyada)

ORAL JUDGMENT
O.A.No. 504 OF 1993
with
M.A.NO. 469 OF 1993.

Dated : 04.01.1994.


Per : Hon'ble Mr. N. B. Patel : Vice Chairman


The applicant's case is that one Shri Abu Hussain, who had put in only 213 days of work as casual labourer, as against 474 days put in by her, was called for screening on 29.1.1993, and she has not been called for screening. In the O.A. she has asked for a relief requiring the

respondents to call her for screening and to absorb her against a regular post if she is found fit as a result of the screening. The version of the applicant that Shri Abu Hussain had put in only 213 days of work whereas she has put in 474 days of work has remained uncontroverted as the respondents have not filed any reply to the M.A. The further version of the applicant that Shri Abu Hussain was called for screening has also remained uncontroverted. It is difficult to understand as to why the applicant has filed this application for condonation of delay when she herself states that Abu Hussain was called for screening on 29.1.93 and she had come to know about the same only a few days prior to the filing of the application on 24.8.93. In fact, even assuming that the applicant had come to know about the call issued to Shri Abu Hussain for screening on 29.1.93 itself, the O.A. filed on 24.8.93, cannot be said to be time-barred. In the application also, the applicant has not stated ~~as to~~ the extent of delay ~~is~~ supposed by her to have occurred in the filing of the application. On the aforesaid uncontroverted facts, we find that there is no delay, and , therefore, there is no question of passing any order of condonation of delay M.A. stands disposed of with these observations.

The Tribunal, by its order dated 21.1.93, had asked the respondents to consider whether the matter can be disposed of by giving suitable directions to the respondents to consider the applicant's representation Annexure- A-6 dated 22.07.1993. In this connection, we have taken the sense of Mr.B.R.Kyada and Mr.B.B.Gogia and we direct the respondents to consider the applicant's representation Annexure -A-6 dated 22.07.1993 and to take decision thereon as early as possible and, in any, event, ~~latest~~ by 15-2-1994, bearing in mind the fact that one Shri Abu Hussain, who had put in 213 days of work is reported to have been screened and regularised and the further fact that the applicant has admittedly worked for more ~~xxx~~ days, probably 474 days. The decision on the applicant's representation may be communicated to her within ten days of its being taken. If the applicant is aggrieved by the decision, it will be open to her to move the Tribunal afresh for redressal of her grievance.

In view of these directions and liberty reserved to the applicant as above, Mr.B.B.Gogia seeks permission to withdraw this O.A. Application stands disposed of as withdrawn with liberty to the applicant as above. No order as to costs.


(K.RAMAMOORTHY)
MEMBER (A)


(N.B.PATEL)
VICE CHAIRMAN