

C.A. NO. 482 of 2001

Order dated 24-09-2003.

Heard Mr. Sanjib Mohanty, learned Counsel for the Applicant and Mr. D.N. Mishra, Learned Standing Counsel for the Respondents.

In this original Application, the Applicant has come up with a grievance that although he had worked as a casual labourer and had acquired temporary status when the Respondents took action for filling up 700 posts of Gangmen and 225 posts of Gr.D in the year 1998 through public advertisement did not consider his case for appointment. He had also made representation to that effect to the Sr. Personnel Officer vide his letter dated 25.11.1998. He has therefore, approached this Tribunal to direct the Respondents to give him appointment either as a Gangman or a Gr.D employee in the organisation.

The Respondents have opposed the original Application on the ground of limitation as well as on merit. They have also found the application to be highly exaggerated and devoid of any merit. They have also pointed out that it was for the Applicant to respond to the advertisement which was made in the year 1998 (Annexure-2) and had he responded to that his case would have been received due consideration. Having not done so, he cannot claim any benefits now. ~~on any action.~~ For all the reasons of delay, laches and his inability formally to apply for consideration

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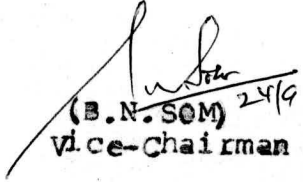
against regular appointment, they have opposed the application/claim of the applicant.

Having considered the facts and circumstances of the case and also the merit of the rival contentions of the parties, I am satisfied that the applicant has to blame himself for all the delay and the story of missed chances that he has projected in his original Application. He should have known that 'God helps those who help themselves'. However, I find that the applicant had submitted a representation to the Senior Personnel officer, S. E. Railway, Khurda Road requesting him to consider his case for appointment in any Gr. D/Gangman post considering the fact that he had considerable record of service as casual labourer. He had received no instruction from the personnel officer on his representation dated 25.11.98. Although the Applicant should have applied in the prescribed form and put the application form in the drop box kept in the o/o the DRM, Khurda Road but having regard to the fact that the Applicant who was a casual worker is unlikely to be aware of all the formalities connected with such matters, the Respondents could have advised him to follow the correct procedure as given in the employment notice dt. 5.11.98. However, with the efflux of time there is hardly any scope to cure the situation. The Applicant shall have to accept that he missed the opportunity ~~due~~ to his lack of alertness and ^{for not} doing right thing at the right time.

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However, having regard to the facts and circumstances of the case that the Applicant had worked for one year as a casual labourer in the Department/Organisation, his case should be considered by the Respondents for inclusion of his name in the life casual register; if he fulfills the other conditions.

With the above observations and directions, this OA is disposed of. No costs.


(B.N. SOM) 24/9
Vice-Chairman

Or. N. 24.9.9

Copies in order
prepared for
counsel for
both sides.


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