

Order No.22 Dated: 09.07.2002

Heard Mr. K.C.Satapathy, learned Counsel for the Applicant and Mr. Ashok Mohanty, learned Senior Counsel for the Railways.

Applicant, who claims to have been engaged as Casual Gangman/Keyman, from 05.06.1966 to 08.12.1971, was engaged as Gangman on 05.06.1972 and continued as such (having received a promotion as Keyman) till 29.08.1977 in Cuttack Division. His claim that he was engaged as a Gangman and then Keyman between 05.06.1966 to 08.12.1971 at Bhadrak Division has been disputed by the Respondents. On 26.05.1989, the services of the Applicant was regularised as a Gangman in P.C.R. post in Class-IV category with effect from 09.01.1989 in the pay scale of Rs.750-940/-. On 22nd February, 1992 the Applicant submitted a representation to anti-date his regularisation with effect from 05.06.1966. It is the case of the Applicant that he went on representing the authorities on 24.03.1983, 18.06.1994, 15.03.1995 and 08.04.1996 and, ultimately, he preferred a case (O.A.No.369 of 1996) in this Tribunal on 17.05.1996. The said Original Application No.369/1996 was disposed of, on 24.05.1996, with a direction to the Respondents/Railways to consider and dispose of the representations of the Applicant within a stipulated time. On 22.07.1996, the representation in question of the Applicant was disposed of anti-dating his regularisation with effect from 01.04.1973. But the financial benefits, arising

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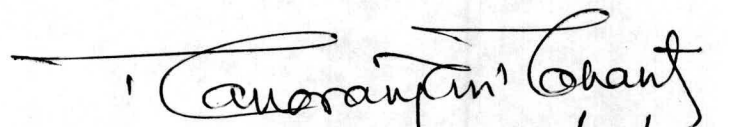
out of the said anti-dating regularisation, having not been disbursed; the Applicant went on representing the authorities on 10.02.1997, 03.01.1998, 24.08.1999 and 05.09.2000. No heed having been paid to the grievances of the Applicant, he again filed the present Original Application No.76 of 2001 on 13.02.2001. After issuance of the notice in the present case, the Respondents disbursed all the arrears of differential salaries to the Applicant (for the period between 01.04.1973 and 09.01.1989) during June, 2002. The differential arrears of the Applicant having already been disbursed during pendency of the Original Application, there, virtually remains nothing more to be done in the present Original Application.

However, the Advocate for the Applicant states that the grievances of the Applicant to anti-date his promotion to a date prior to 01.04.1973 has not been considered by the Respondents as yet. It is the case of the Advocate that the period he served (05.06.1966 to 08.12.1971) as Casual Gangman/Keyman at Bhadrak Division has at all not been taken into consideration. In reply, Senior Mr. Mohanty, appearing for the Railways, states that the said claim period (between 05.06.1966 and 08.12.1971) has been disputed by the Railways and, therefore, onus is very much on the Applicant to substantiate his claim. The Applicant having been miserably failed to substantiate the claim for the period 05.06.1966 to

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08.12.1971, no direction can be issued to the Respondents to further antedate his regularisation.

In the aforesaid premises, this Original Application is disposed of without any direction to the Respondents. No costs.


(MANORANJAN MOHANTY) 09/07/2002
MEMBER (JUDICIAL)