

(1)

O. A. No. 122/2002

ORDER DATED: 02-11-2004.

Existence of right is sine qua non for maintaining a case in this Tribunal. Here is a case; where the Applicants and their counsel have miserably failed to put up any material before us to show existence of any right to maintain this Original Application.

Applicants were trainee Apprentices under the Railways long back. Later, on the strength of certain recommendations made in their favour, they approached this Tribunal claiming on consideration of their cases for being absorbed in the Railway Services. It appears, this Tribunal in an earlier round of litigation asked the Railways to consider the grievances of the Applicants; as a result of which they have been absorbed as Khalasis. By filing the present Original Application under section 19 of the Administrative Tribunals Act, 1985, they have sought for direction from this Tribunal (to the Respondents to ante-date their entry into Railway services.

Having perused the pleadings and having heard learned counsel for both sides, it reveals that

H
.....
o

12

Copy of order of 2/11/04
issued to the Council
for both side.

h/10/11/04
S.O.

my
10/11/04

applicants were not successful Apprentices.
However, they have been absorbed in the Rly.
services in the casual/temporary establishment;
which is certainly a kind gesture of the
Railways in favour of the Applicants. Un-
successful apprentices certainly had no
right to get an employment under the Railways;
although Railways have shown them kind gesture
to be absorbed in their casual/temporary
establishment. Such precariously placed
personnel of the railways have got no
existing right to claim for ante-dating
their entry into railway services. Therefore,
this case being devoid of any merit, is hereby
dismissed. No costs.

Vice-Chairman

Member (Judl.)

02.11.2004