

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

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Date of Decision: 17.4.98

OA 316/95

Shakti Prasad, Material Chasing Clerk under Chief Permanent Way Inspector (Construction), Northern Railway, Lalgarh, Bikaner.

... Applicant

Versus

Union of India through General Manager, Northern Railway, Baroda House, New Delhi.

... Respondent

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.Bharat Singh

For the Respondent

... Mr.R.K.Soni

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Shakti Prasad, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondent to delete his name from Sl.No.43 in the list dated 3.7.95, at Annexure A-1, for the Delhi Division as also for a direction to screen and regularise his services in the post of Material Chasing Clerk in the Bikaner Division of the Northern Railway.

2. We have heard the learned counsel for the parties and have carefully perused the records.

3. The contention of the applicant is that he was engaged as a casual labour on daily wage basis in the Construction Department of the Engineering Branch in Survey-III of the Northern Railway, Tilak Bridge, New Delhi. Temporary status was conferred upon him w.e.f. 1.1.1985. He served upto 31.5.1985 and thereafter he was transferred under the Senior Engineer (Construction), Northern Railway, Bikaner, for further posting orders, at his own request. It is urged on behalf of the applicant that since he has been working in the Bikaner Division of the Northern Railway for more than 10 years and during his service he has become physically handicapped, he ought to be screened for regularisation purposes for the Bikaner Division and not for the Delhi Division. The respondent has contested this application on the ground that the applicant's screening cannot be done at Bikaner Division for the reason that he was initially appointed in the Delhi Division and the applicant's services were transferred from Delhi to

Chakrabarty

Bikaner at his own request w.e.f. 31.5.1985 as a casual khalasi. The learned counsel for the applicant states that the applicant now wants to make a fresh representation to the concerned authorities in regard to his grievance.

4. In the circumstances of the present case, we dispose of this application with a direction to the respondent to entertain the applicant's representation, if the same is made within a month of this order, and dispose of the same with due sympathy keeping in view the fact that the applicant has become physically handicapped during his service, within a period of three months from the date of the receipt thereof. If the applicant is still aggrieved by any decision taken on his representation, he may file a fresh OA. No order as to costs.

Gopal Singh

(GOPAL SINGH)

ADM. MEMBER

Gopal Krishna

(GOPAL KRISHNA)

VICE CHAIRMAN

VK