

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.219/2007
This the 13th day of February 2008

HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

1. Dinesh Kumar Pandey, aged about 38 years, son of Sri P.C. Pandey, resident of Village Pure Lodha Upadhayay, Post Bara Gaon, District Faizabad.
2. Vipin Kumar Tewari aged about 42 years, son of Sri Prakash Chandra Tewai, resident of Rest Camp Colony-I, 165-D, Charbagh, District Lucknow.
3. Ambika Prasad Goswami aged about 45 years, son of Sri Shiv Prasad Goswami, resident of Village Visauhali. Post Kareru, P.S. Raunahi, District Faizabad.
4. Arun Kumar Tewari aged about 38 years, son of Sri Prashu Ram Tewari, resident of Village Bhairav Pandit-Ka-Purwa, Post Bara Gaon, District Faizabad.
5. Swami Nath Misra aged about 38 years, son of Sri Dharm Raj Misra, resident of Village Pure Shuvdhan Misra, Post Uchhahfali, District Faizabad.
6. Vijay Kumar Singh aged about 46 years, son of Sri Chhanga Lal, resident of Village Godarva Post Bijnore, P.S. Sarojini Nagar, District Faizabad.
7. Raj Kumar aged about 40 years, son of Sri Amrit Lal, resident of Village Isapur, Pos & P.S. Malihabad, District Lucknow.
8. Ramesh Chandra Singh aged about 44 years, son of Sri Hardayal Singh, resident of Village Lcdhwari, Post Kapor, District Lucknow.
9. Chandra Bhan Singh aged about 46 years, son of Sri Chhanga Lal, resident of Village Godarwa, Post Bijnore, P.S. Sarojini Nagar, District Lucknow.
10. Hari Shyanker Pandey aged about 40 years, Son of Sri Jeevan Lal, resident of 1/559, Sector-H, Jankipuram, District Lucknow.

11. Radhika Prasad Pandey aged about 38 years, son of Sri Shiv Prasad Pandey, resident of Village Pure Govind Pandey, Post Guthwara, P.S. Barun Bazar, District Faizabad.

...Applicant.

By Advocate: Shri P.K. Sakya —for Shri R.K. Upadhayay.

Versus.

1. Union of India, through General Manager, Northern Railway, Baroda House, New Delhi.
2. General Manager (Personnel), Northern Railway, Baroda House, New Delhi.
3. Divisional Railway Manager, Northern Railway, Lucknow Division, Lucknow.
4. Divisional Railway Manager (Personnel), Northern Railway, Lucknow Division, Lucknow.
5. Station Master, Northern Railway, Charbagh, Lucknow.

... Respondents.

By Advocate: Shri C.B. Verma.

ORDER

BY HON'BLE MR. M. KANTHAIYAH, MEMBER JUDICIAL.

Heard Shri P.K. Sahyak for Shri R.K. Upadhayay, the learned counsel for applicant and Shri C.B. Verma, the learned counsel for the respondents.

2. The applicants No. 1 to 11 have filed this OA in jointly stating that they have worked as Substitute Porters under the Respondent No.5. They also further stated that the number of their working days are mentioned in para 4.5, which shows that they all worked more than 200days and some of the applicants worked 960 days and 1182 days and relied on Annexure-4 stated that it has been issued by Respondent No.5. The recital of said Certificate covered under

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Annexure-4 shows that some of the applicants have joined as substitute Porters with date of 1st engagement in different years starting from 1981, 86,87 and the said certificate does not show the details from which year to which year each applicants were worked with the respondents. They also further contended that they made representations to consider their claims in view of their earlier service in the department but the same is still pending without any decision hence, filed this OA to issue direction to the respondents for reengagement the applicants and also for grant of temporary status and regularization of services, taking into account the past services rendered on Group 'D' post.

3. The respondents have filed Short Counter Affidavit stating that the claims of the applicants are made and after a lapse of 13 years, barred by limitation and such request will not be entertained at this stage and thus opposed.

4. Heard both sides.

5. The point for consideration is whether the applicants are entitled for the relief as prayed for.

6. The applicants have given details in respect of their working as furnished by Respondent No.5 covered under (Annexure-4), which reveals that all the applicants worked more than 200 days and some of the applicants worked 960 and 1182 days. The said certificates are also reveals that some of the applicants first joining in the year 1981, 82,85,86 and 87 but the officer, who has issued such certificates not furnished the details till which period such working days were calculated. The applicants contended that they worked till 31.12.2005 and whatever particulars are furnished covered under

Annexure-4 in respect of their working days up to December 2005. if the applicants were worked till 2005 as substitute porters, it is not open to the respondents to take objection on the point of limitation that their claims are barred by limitation and as such objection of the respondents is not at all maintainable without furnishing the details of each applicant till which period they worked in the office of Respondent No.5.

7. The material available on record also shows that the respondent authority have not taken any decision in respect of the applicants though they made representation covered under Annexure-8 dated 10.04.2006 and Annexur-9 dated 10.09.2006 and without giving any findings on such representations, issuing of any directions to the respondents in respect of the present reliefs claimed by the applicants are no at all maintainable.

8. In view of the above circumstances and for fair and just disposal of the proceedings, OA is disposed of with the direction to the respondents to consider the claim of the applicants covered under Annexure-8 dated 10.04.2006 and Annexure-9 dated 10.09.2006 and also treating this OA as Additional representation and disposed of their claims in accordance with existing rules and instructions of the respondents authorities with a reasoned order within a period of four months from the date of receipt of the copy of this judgment. No costs.


(M. KANTHAIAH)
MEMBER (J)

13.02.2006

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