

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Original Application No. 14 of 2009

This the 31st day of January, 2014

Hon'ble Ms. Jayati Chandra, Member-A

1. Ram Dayal, S/o Sri Kamta Prasad.
2. Radhey Shyam, S/o Sri Bihari Lal.
3. Satya Kumar, S/o Sri Hari Ram.
4. Rajesh Kuamr, S/o Sri Jai Narain.
5. Hawan Kumar, S/o Sri Raghuveer Prasad.
6. Sipahi Lal, S/o Sri Santu.
7. Anoop Kumar, S/o Sri Ram Bachan.
8. Ram Chander, S/o Sri Hari Kishan.
9. Kamlesh Kumar, S/o Sri Ram Dulare.
10. Shrawan Kumar, S/o Sri Sheetal Prasad.

.....Applicants

By Advocate : Sri Praveen Kumar

Versus.

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. General Manager (Personnel), Northern Railway, Baroda House, New Delhi.
3. DRM, N.R., Lucknow Division, Lucknow.
4. DRM(P), N.R., Lucknow Division, Lucknow.
5. Station Manager, N.R., Charbagh, Lucknow.
6. East Central Railway, Hazipur through its General Manager.
7. Railway Recruitment Cell, East Central Railway, Patna.
8. Deputy Chief Personnel Officer, Recruitment Cell, N.C.R., Allahabad.

.....Respondents.

By Advocate : Sri D.B. Singh for Sri M.K. Singh

Alongwith

Original Application No. 15 of 2009

J. Chandra

1. Bacche Lal, S/o Sri Matru.
2. Rajneesh Kumar, S/o Sri Ram Kheri.
3. Majibur Rehman, S/o Sri Karruddin Ansari.
4. Kanchanwati, D/o Sri Hem Raj.
5. Ram Kumar, S/o Sri Ram Swaroop.
6. Raja Ram, S/o Sri Suchit Ram.
7. Shamimuddin, S/o Sri Mohd Rafi.
8. Ram Dulare, S/o Sri Laxman.
9. Bachchu Lal, S/o Sri Zilepal.
10. Ram Deo, S/o Sri Laxman.

.....Applicants

By Advocate : Sri Praveen Kumar

Versus.

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. General Manager (Personnel), Northern Railway, Baroda House, New Delhi.
3. DRM, N.R., Lucknow Division, Lucknow.
4. DRM(P), N.R., Lucknow Division, Lucknow.
5. Station Master, N.R., Jageshwarganj.
6. East Central Railway, Hazipur through its General Manager.
7. Railway Recruitment Cell, East Central Railway, Patna.
8. Deputy Chief Personnel Officer, Recruitment Cell, N.C.R., Allahabad.

.....Respondents.

By Advocate : Sri D.B. Singh for Sri M.K. Singh.

O R D E R (oral)

1. Since both the above mentioned O.As have been clubbed together and as such they have been heard together and are being disposed of by a common order.
2. The applicants in both the Original Applications have sought the following relief(s):-

"(i) quash the impugned advertisement issued in Employment News papers on 4/10.8.2007 and 22/28.12.2007 for appointment of fresh hands, contained as Annexure nos. 1 & 2 respectively to this Original Application.

T. Chaudhary

- (ii) direct the Opposite parties to appoint/regularize the services of the applicants against Group 'D' posts within a specified period of two months keeping in view their past services as Substitute Porters.
- (iii) Direct the Opposite not to make fresh appointment on Group 'D' post until the services of the applicants are regularized against vacant Group 'D' posts.
- (iv) Pass any other suitable order or direction which this Hon'ble Tribunal may deem fit, just and proper under the circumstances of the case in favour of the applicants.
- (v) Allow the present Original Application of the applicants with costs."

3. During the course of hearing, learned counsel for the applicants submitted at the bar that the Divisional Personnel Officer (Legal), Northern Railway, Lucknow has referred the matter for regularization of ex-casual labourers vide his letter dated 19.8.2013 addressed to General Manager (Personnel), Headquarters office, Northern Railway, Baroda House, New Delhi and the decision thereon has not been taken sofar, according to learned counsel for the applicants. In this letter, the reference of letter dated 2.7.2010 has been made, but no such copy has either been produced by the counsel for the applicants, nor the same is on record. A copy of the letter dated 19.8.2013 filed by the applicants during the course of hearing is taken on record. However, learned counsel for the applicants submits that the applicants would be satisfied if a direction is given to the respondents including General Manager (Personnel), Northern Railway, New Delhi to take a decision on the reference made vide letter dated 19.8.2013 within a stipulated period of time.

4. In view of the above, without entering into the merits of the case, the both O.As. are disposed of with a direction to the respondents to take a decision on the reference made vide letter dated 19.8.2013 in accordance with law as well as rules and regulations on the subject within a period of three months and from the date of receipt of a copy of this order by passing a reasoned and speaking order. No costs.

J. Chandra
(Ms. Jayati Chandra)
Member-A