

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

AS

Misc. Petition No. 81 of 1992

IN

Original Application No. 37 of 1992

Krishan Murali Dubey & others ..... Applicant  
Versus  
Union of India & others ..... Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. K. Obayya, A.M.

( By Hon. Mr. Justice U.C. Srivastava, V.C.)


By means of this application the applicants have approached the Tribunal with the prayer that the respondents be directed to regularise the service of the applicants forthwith and to allow the applicant to work and discharged their duties as class IV employees and salary may also be paid to them. According to these ~~responses~~ applicants they have been working between various years. The applicant No. 1 from 1976, applicant No. 2 from 1980, ~~and~~ applicant No. 3 from 1986, applicant No. 4 from 1976 and applicant No. 5 from service 1979. It has been averred that although they were appointed ~~by~~ by the competent authority, they should not be subject to screening test. The applicants have ~~been~~ become over aged, screening test was held between 15.7.91 to 24.9.1991 and they were orally told that they have not been qualified in the screening test, and therefore their services stood terminated. The applicant have contended that the direction is violative of section 25 (f) of Industrial Disputes Act and the termination order is arbitrary and illegal, the names of junior to the applicant ~~have~~ have been placed in the select ~~list~~ list on the ground that they have come <sup>out</sup> ~~out~~ successful in the screening test.


2. The respondents have opposed the claim of the

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applicant stating that the screening of casual labour in the operating department was done on 15.7.91 to 18.7.91 and again on 23.9.91 to 24.9.91 in accordance with the provisions of the Railway Establishment Manual. It is not denied by the respondents that the applicants have been working since long. According to the respondents the applicants were never appointed on class IV regular post after being selected by a competent authority but they were engaged on particular work and they are certain conditions to be fulfilled for appointment. There is no illegality in the screening test. No termination order has been passed and the applicants were declared fail in the screening test and so they were not appointed.

3. From the above it is clear that the work is available, the applicants have <sup>been</sup> allowed to work for a long period and they have gained experience. The applicant shall be allowed to continue to work and their case for regularisation will also be considered within a period of four months from the date of the communication of this order. This application stands disposed of with the above observation. No order as to costs.

  
Member (A)

  
Vice-Chairman

Lucknow:

Dated :  
(g.s.)