

Versus

1. Union of India through its Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
2. Divisional Railway Manager (Personnel), N.E. Railway, Lucknow.
3. Senior Station Superintendent, N.E. Railway, Gonda.

...Respondents.

BY Advocate Shri Azmal Khan.

ORDER (ORAL)

BY SHRI S.P. ARYA MEMBER(A)

By this O.A., the applicants seeks for direction to the respondents to place the applicants in the eligibility list dated 5.8.2003 and also to quash the list annexed to the letter dated 5.8.2003 (Annexure-1).

2. I have heard the learned counsel for both the parties and perused the pleadings.

3. The case of the applicants is that they have worked with the respondents for morethan 300 days but their names have not been included in the list of substitute labours for screening as circulated by letter of 5.8.2003 (Annexure-1). It is further stated that persons having zero working days claimed and verified days have been called for the screening.

4. Respondents in their counter reply have stated that the respondents have completed the process of verification of the working days of casual labours/ substitutes/seasonal waterman by inviting the applications from the candidates regarding the number of working days in compliance with the directions issued by this Tribunal in O.A. NO: 524/2001. It is further stated that none of the applicants have worked for more than 475 days but the last successful candidate has put in 2760 days. The applicants have not worked continuously, the O.A. is therefore misconceived.

5. The applicants have submitted the representation against the letter of 5.8.2003 stating that neither the working days have been verified nor their names have been included in the list. Once an applications ^{by the} the applicants have been made, it ^{would} ~~must~~ be just and proper that the respondents go into their grievance ^{for} ~~not being~~ included in the seniority list for screening. The question of being empanelled or not been empanelled on the basis of working days is not in question in the present O.A. Being called for the screening and empanellment after screening are two different issues. The grievance of the applicant is for non-inclusion in the ^{screening} ~~seniority~~ list. It is found expedient and in the interest of justice ^{that} the respondents are directed to consider the calims of the applicants for inclusion in the screening list ~~to secure~~ in accordance with the

