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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

T.A. No. 1115/87
(W.P. No. 454/83)

R.M.Pandey

Applicant/Petitioner

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Gorthi, Adm. Member.

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

The applicant admittedly working in N.E. Railway, as casual worker with broken periods and that is why under the scheme for engagement for casual labour for Hot weather season scheme was framed and under the scheme various such casual labours ~~including~~ ~~the~~ ~~ex-applicants~~ were appointed on 20.4.82. It appears that some of them were taken but the applicant was not taken in service. The applicant filed writ petition before the High Court challenging the same, which has been transferred to this Tribunal, by virtue of the operation of section 29 of the Administrative Tribunals Act, 1985.

2. The respondents have stated that the certificate moved by the applicant is forged in as much as the PWI under which the applicant alleges to work, denies that he never worked under him. There was no evidence that the applicant worked at Gonda and as such he not having worked anywhere the same was denied to him.

3. The applicant worked with the Railway Administration. It appears that for sufficiently long period he had worked with them, otherwise his name would not have been included in the list. The others were given appointment but he was not given the same. The applicant's grievance is that he was not given the opportunity to prove that he did work with the respondents. If the opportunity were given, he would have represented and would have been regularised. Even now, the applicant can be associated with the enquiry in the matter and in case in the enquiry it is found that he was ~~slightly~~ ex-casual labour, the respondents may give him employment in case the vacancies are available and no person who is in the waiting list by the order of any competent court of law shall be superseded. Let a summary enquiry take place within a period of three months and a decision to be taken. The first date of enquiry shall be fixed in the month of November, 91.

Shankar S

A.M.

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V.C.

Lucknow Dated: 19.9.91