

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

This the 24th day of May, 2000.

Original Application NO.660/92

(17)

HON.MR.D.C.VERMA, MEMBER(J)

HON.MR.A.K.MISRA, MEMBER(A)

1. Yash Karan S/o Shri Sajeewan Lal, aged about 36 years, R/o Maksoor, District Unnao.
2. Laxmi Narain S/o Shri Ram Pal, aged about 33 years, R/o Village Saifal Pur, District, Lucknow.
3. Shri Phool Chand S/o Shri Jamuna Prasad, aged about 33 years, R/o Sarain, District Lucknow.
4. Ranvendra Shanker S/o Shri Radhey Lal, aged about 32 years, R/o Village Tilasua, district Lucknow.
5. Gyan Singh S/o Shri Shiv Ram aged about 36 years, resident of Village darya Pur, district, Lucknow.
6. Jai Prakash S/o Shiv Balak aged about 32 years, R/o Narain Pur, district Unnao.
7. Desh raj S/o Shri Brij lal Singh, aged about 38 years, R/o Village Gilsaha Mau, District Unnao.
8. Sarvesh Kumar S/o Shri Radhey Lal, aged about 32 years, R/o Meteria, District Unnao.
9. Lakhpat S/o Shri Chandra Bhal Singh, aged about 32 years, R/o Semra Mau, District Lucknow.
10. Shiv Shanker S/o Ram Singh aged about 32 years, R/o Tilasua, District Lucknow.
11. Ram Kedar S/o Shri Chhedi lal aged about 34 years, R/o Village Balpur, district Barabanki.
12. Prakash Chandra Sharma S/o B.G. Sharma, aged about 32 years, R/o 563,Kha-4, mangal Khera, Alaambagh, Lucknow.

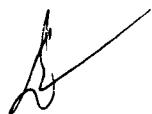
All the applicants were last employed as Substitute Porter under station Superintendent, N.Railway, Lucknow.

.....Applicants.

BY Advocate None.

Versus

1. Union of India through the General Manager, N.Railway,



Baroda House, New Delhi.

(18)

2. The Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
3. The Station Superintendent, Northern Railway Charbagh, Lucknow.

.....Respondents.

BY Advocate Sri. A.Trivedi B.H. for Sri. A.K. Chaturvedi.

O R D E R (ORAL)

BY D.C.VERMA, MEMBER(J)

By this O.A., 12 applicants have claimed re-engagement with all consequential benefits and regularisation, after screening, on a Group D post.

2. As per the applicant's ^{case}, they were engaged by the respondents on different dates in the year 1977 and 1978 as indicated in para 4.3 of the O.A. Inspite of that all the applicants were disengaged and have not been screened though juniors to the applicants ^{who} were engaged on subsequent dates and had less number of working days as given in para 4.5 of the O.A. were screened and selected.

3. The respondents have contested the claim of the applicants and have submitted that none of the applicants have ever worked with the respondents. It has been also stated that the applicants have filed non-existing documents. No Computers list of Substitutes/Casual Labourers exist in the Department. With the Rejoinder Affidavit, the applicants have filed Annexures R-1 to R-7. These documents have also been denied by the respondents as genuine.

4. Heard the learned counsel for the respondents and perused the pleadings on record. The applicants have filed photo copy of Computerised list. It does not bear the category of the persons whose names are mentioned in the list. The photo copies are only a part of long list. Covering letter with which this list was issued is also not ^{upon} file. It is thus, ^{not} known whether this computers' list (Annexure A) was ever issued by the respondents. No reliance can therefore, be placed on this computer list.

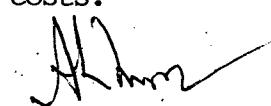
5. From the documents filed with the Rejoinder we find that the applicant No. 6 and 7 have filed two documents. As per

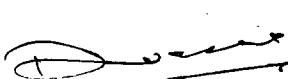


Anneuxre R-1, the applicant No. 6 Jai Prakash son of Sheo Balak was earlier medically examined on 10.9.77. By this document, the applicant was medically examined on 14.5.85 after applicant No. 6 had served for 7 years 7 months. Similarly, applicant No. 7 D.R. Singh son of Brij Lal Singh has filed the documents dated 13.5.85 which shows that earlier this applicant had been examined medically on 10.3.77. This subsequent medical examination was made after the applicant had served for 7 years and one month. As per recitals made in para 4.3 of the O.A., the applicant No. 6 Jai Prakash was medically examined on 10.9.77 and was engaged on 30.9.77 and applicant No. 7 was medically examined on 10.3.77 and was engaged on 20.3.77. Thus, entries in respect of these two applicants in Anneuxre R-1 tallies with the entry given in para 4.3 of the O.A. The respondents have no doubt, denied the genuineness of these two documents in a general way. There is nothing to show that these two documents were actually verified from the concerned Department to examine the genuineness of these two documents. The document filed ^{by} ~~of~~ applicant Gyan Singh, Ravindra Shankar and Phool Chand is only a letter for medical examination. It does not indicate that any of these applicants have served the Department.

5. In the absence of any document to show that these applicants ever served the department, they have no case. In view of the above, the respondents are directed to hold an enquiry after giving an opportunity to applicant No. 6 and 7 namely Jai Prakash and Desh Raj to produce the documents, if any, in their possession in support of their claim and after examining ^{the same}, the Department to pass an appropriate order. The enquiry shall be completed within a period of three months from the date of communication of this order. There is no merit in the claim of other applicants and the same is rejected.

6. The O.A. is decided as per directions given above. No costs.


MEMBER(A)


MEMBER(J)

Lucknow; Dated; 24.5.2000

Shakeel/