

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA.

O.A. No. 807 of 2005

Date of order : December 21, 2005

C O R A M

Hon'ble Shri Justice P.K. Sinha, Vice-Chairman

Anil Kumar Singh

Vs.

Union of India and ors.

For the Applicant : Shri M.P. Dixit

For the respondents : Shri A.A. Khan

O R D E R (Oral)

By Justice P.K. Sinha, V.C. :-

Heard learned counsel for the applicant as well Shri A.A. Khan, learned Standing Counsel for the respondents.

2. The case of the applicant, in short, was that he was engaged as casual labourer with effect from 15.4.1977, and while working under the respondents, he was granted temporary status in the year 1993. Thereafter, the respondents held screening test, as per the Railway Board order dated 11.12.1996, for absorption against the permanent Group 'D' post, and the applicant along with 221 others were placed in the panel, as per seniority, with the name of the applicant appearing at Serial No. 221 with the date of birth as 15.2.1960 and the date of engagement to be 15.4.1977. The contention is that all the persons in the aforesaid panel have been posted as Group 'D' employees except the employees against whom a noting was given in the same document. Thereafter, on 28.9.2004 respondent No. 1 granted his post facto approval for permanent posting of the persons which



were shown in the note of Annexure A/1, including those who were engaged as casual labourer after engagement of the applicant, excluding those who were under age at the time of their initial engagement. The case of the applicant was that he was under-age by 10 months at the time of initial engagement, but he could be appointed by relaxing that condition under the orders of the General Manager of the concerned railway. In that regard, the learned counsel for the applicant pointed out Annexure A/4 which is a letter dated 1.3.2005 issued by DRM ( P ), Sonapur, addressed to the General Manager ( P ), E.C. Railway, Hajipur for granting that relaxation in the case of this applicant. Through Annexure A/5 dated 18.3.2005, a communication was sent to the DRM ( P ) , E.C. Railway , Sonapur from G.M., E.C. Railway , Hajipur, making some queries.

3. The learned counsel for the applicant also pointed out averment in para 4.7 of the application that the applicant had come to know that clarifications have also been sent to the office of the General Manager by letter dated 1.4.2005 for post facto approval with regard to the age relaxation in the case of the applicant, so that he could be appointed to Group <sup>D</sup> post on regular basis. It is submitted that after <sup>that</sup> the matter is pending with the General Manager of the E.C. Railway, <sup>and</sup> no final order has been passed till now.

4. The learned Standing Counsel for the respondents submits that since the matter is pending before the General Manager, E.C. Railway, he be allowed to take a decision in the matter first.

5. In the circumstances of the case, this application

is disposed of with direction to the General Manager, E.C. Railway, Hajipur ( respondent No. 1) to take a decision in the matter which is pending with him, within two months of the receipt of copy of this order and to record speaking and reasoned order during this period. The applicant is also directed to make available to respondent No. 1 copy of this order along with copy of this application with its annexures, within 15 days of the receipt of certified copy of this order.

6. With the aforesaid direction<sup>s</sup>, this OA is disposed of.



[P.K. Sinha] V.C.

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