(4)

13.2.95
S. No. 4.

Shri. D.V. Gangal for the applicant.
Shri. V.S. Masurkar for the respondents.

The termination of the applicant occured on 18.10.84 and according to the applicant, certain representations were made to the respondents. The respondents have denied having received any representation. In any event, the applicant has not approached the Tribunal within 1½ years of the first representation and there is no reason why the application should be entertained at this belated stage.

Second prayer of the applicant is that alternatively he be granted fresh appointment, on the basis that the applicant has been serving the Railways for more than 360 days and is borne on the Seniority list of Railways. This is not a matter on which we can pass any Order at this stage.

(5)

The applicant may make an application to the respondents setting-out the facts and the respondents after considering the claim of the applicant on merit, and according to rules, decide whether the applicant can be granted a fresh appointment.

With these observations, the OA as well as M.P are disposed of.

M.R.Kolhatkar
(M.R.Kolhatkar)
M(A).

(M.S.Deshpande)
V/C.

J*

Per Tribunal Date: 9/9/96
Applicant ~~in person~~ by Mr Gangal
Advocate / Respondent by
Counsel. for
The matter adjourned to 10/9/96
for orders on C.P.

Dy. Registrar

Order/Judgement dt. 13/2/96 despatched to Applicant/Respondent (s) on 24/2/96

6/3/96

Dated: 10.9.96 (3)

Heard Shri D.V. Gangal, Counsel for the applicant.

Applicant has filed C.P. 65/96. Issue notice to the respondents to file reply to C.P. 65/96 returnable on 28.10.96

M.R.Kolhatkar
(M.R.Kolhatkar)
M(A)

(B.S.Hegde)
M(J)

C.P.No. 65/96 listed for order on 9.9.96 with pointer on limitation 2617.

Notices issued to Respondents on 20.9.96

24/9/96

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH 'GULESTAN' BUILDING No.6
PRESCOT ROAD, BOMBAY:1.

(7)

C.P. 65/96 in
Original Application No. 859/94

15th the Friday day of November 1996.

CORAM: Hon'ble Shri B.S. Hegde, Member (J)
Hon'ble Shri M.R. Kolhatkar, Member (A)

Shri Ajabrao Baburao ... Applicant

By Advocate Shri D.V. Gangal

V/s.

Shri Mehra
The Chief Engineer
Construction(South)
Central Railway
Mumbai VT. ... Respondents.

By Advocate Shri V.S. Masurkar.

ORDER

(Per Shri B.S. Hegde, Member (J))

Heard counsel for the parties.

The applicant has filed C.P. 65/96 in O.A. 859/94. The O.A. was disposed of with the following observations.

" The termination of the applicant occured on 18.10.84 and according to the applicant, certain representations were made to the respondents. The respondents have denied having received any representation. In any event, the applicant has not approached the Tribunal within 1½ year of the first representation and there is no reqson why the application should be entertained at this belated stage.

....2...

(8)

The second prayer of the applicant is that alternatively he be granted fresh appointment on the basis that the applicant has been serving the Railways for more than 360 days and is borne on the seniority list of Railways. This is not a matter on which we can pass any order at this stage.

The applicant may make an application to the respondents setting.out the facts and the respondents after considering the claim of the applicant on merit , and according to rules decide whether the applicant can be granted a fresh appointment.
With these observatuibsm the OA as well as M.P. are disposed of.

Persuant to the direction of the Tribunal the applicant has made a representation to the respondents vide letter dated 17.4.95 which has been disposed of by the respondents vide letter dated 26.6.95 stating that the representation has been considered in the context of oral judgement dated 13.2.95 and it is found that his case for freash appointment in the capacity of Casual Labour does not deserve merit on the following grounds.

1. The Railway Board vide letter dated 7.6.84 have imposed restrictions on engagement of fresh faces of casual labour whether on open line or in the construction Project and further that existing strength as on 1.1.1984 is frozen.

...3...

(9)

2. The Chief Engineer(Construction) has fixed the ceiling limit for continuation of existing Casual Labour on this Division comprising Panvel, Vashi and Dadar Divisions. At present the existing strength is much more than the ceiling limit and the labourers are surplus to the requirement.

3. The project works on this Division which are deposit work being carried out by Railways for other parties, have been completed and no further casual labour strength can be increased.

Despite the reply of the respondents, the applicant in C.P. intentionaly made a wrong statement stating that the respondents have not passed any order despite the direction of the Tribunal, and hence the applicant was compelled to file the C.P. It is also stated in the reply that the applicant's service have been terminated after serving him one month notice. The respondents have not engaged any labour as per the directions in letter dated 11.9.86. The applicant did not work more than 360 days, therefore, the question of applying the ratio of Inder Pal Yadav's case does not arise.

In the light of the above, C.P. filed by the applicant is totally devoid of merit and the same is dismissed.

(M.R. Kolhatkar)
Member(A)

(B.S. Hegde)
Member(J)

NS