

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH  
JAIPUR.

O.A.No.977/92

Dt. of order: 23.2.1994

Sukh Ram & Ors.

: Applicants

Vs.

Union of India & Ors.

: Respondents

Mr.J.K.Kaushik

: Counsel for applicants

Mr.Manish Bhandari

: Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Mr.O.P.Sharma, Member (Adm.).

PER HON'BLE MR.GOPAL KRISHNA, MEMBER(JUDL.).

Applicants Sukh Ram and 16 others have filed this application under Sec.19 of the Administrative Tribunals Act, 1985, praying that the respondents be directed to consider them as non-approved candidates/approved candidates at par with 4 persons namely S/Shri Jagdish Prasad, Dharam Singh, Ramesh Chandra and Umesh Chand and allow consequential benefits to them. They have further prayed for a direction to the respondents to conduct their medical examination for appointment as non-approved candidates in view of the medical memos mentioned in para 6(2) of the O.A.

2. We have heard the learned counsel for the parties and have carefully perused the records.

3. The sum and substance of the applicants' case is that the applicants were earlier appointed as hot weather watermen in the Western Railway, Kota Division at various Stations. These persons were to be medically examined for the post of N.A.C but suddenly their medical memos, service cards and other records were confiscated by the Chief Vigilance Inspector, Kota Division. Such action<sup>is</sup> said to have been taken on the information given by the A.P.O, Kota to the effect that there has been some fabrication in the records. The applicants are poor persons and their future seems to be uncertain for the reason that investigation is still going on and the same has

C.Krishna

not been finalised. The applicants claim that they have been working as hot weather watermen <sup>from</sup> before the year 1981 but their position has not improved and persons appointed much later than the applicants have been given NAC and AC status and the applicants have been neglected. The contention of the respondents is that NAC and hot weather watermen are engaged for only a few months on the basis of their length of service and availability of such temporary vacancies. It has been stated by the respondents in their reply that during summers the applicants and others were engaged subject to the availability of work and further that some of the applicants were also engaged as NACs and even after the year 1984-85. A long time has elapsed but the medical examination of the applicants could not be held due to the pendency of an investigation by the Vigilance Department.

4. In the circumstances of the case, we direct the respondents to conduct the medical examination of the applicants and in case they are found medically fit they should be considered for appointment as NAC/hot weather watermen. The respondents shall take necessary action in pursuance of these directions within a period of two months from the date of the receipt of a copy of this order.

5. <sup>accordingly</sup> The O.A. is allowed with no order as to costs.

(O.P.Sharma)  
Member(A).

C.Krishna  
(Gopal Krishna)  
Member(J).