

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 7.10.98

OA 381/98

Sabhapati, Gangman under PWI (KCP), Western Railway, Kota.

... Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Bombay.
2. Divisional Railway Manager, Western Railway, Kota Jn.Kota.
3. Executive Engineer (S&C), Western Railway, Kota Jn.Kota.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

For the Applicant ... Mr.Rajvir Sharma
For the Respondents ... None

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Sabhapati, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to absorb him against a permanent post with effect from the date any person junior to him has been absorbed.

2. Heard the learned counsel for the applicant. None is present for the respondents despite the fact that the case was listed for hearing today. Records of the case have been carefully perused.

3. Applicant's case is that he was appointed by the respondents as a casual labour on 12.9.81. After screening, on being found suitable vide order dated 28.8.91, he was kept on the panel and posted under the Permanent Way Inspector, Western Railway, Kota. The grievance of the applicant is that he has not been made permanent despite the fact that persons junior to him have been appointed on permanent basis. The applicant made representations vide Annexure A-6 dated 9.1.95 and Annexure A-7 dated 3.6.95 but the representations were not considered by the respondents. The applicant has been working sincerely eversince his engagement on 12.9.81. It has been stated by the respondents that the applicant was kept on the panel issued on 28.8.91 and that the said panel was declared from and amongst the temporary status labourers who were working as Khalasis/Gangmen and in fact the list was sent to the Divisional Railway Manager, Ratlam, for further action and to pass orders of posting. It has further been stated by the respondents that since the applicant had already been screened and his name was kept on the panel issued in the year 1991 itself,

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therefore there was no reason to include his name once again because pursuant to the said panel the Divisional Railway Manager, Ratlam, was required to issue orders of posting but if for any reason no posting order in respect of the applicant has been issued, the applicant cannot blame the answering respondents but he should have impleaded the Divisional Railway Manager, Ratlam, as a party to the OA. The applicant has already impleaded the Union of India through the General Manager, Western Railway, Churchgate, Bombay, as respondent No.1. The applicant has been working as a casual labour under the Permanent Way Inspector, Western Railway, Kota, eversince he was engaged on 12.9.81. He has already been screened and found suitable for engagement for the post of Khalasi/Gangman.

4. In the circumstances, the respondents are directed to consider the applicant's case for regularisation of his services as a Gangman/Khalasi in terms of rules, instructions and guidelines on the subject with all consequential benefits within a period of four months from the date of receipt of a copy of this order. The application is allowed accordingly with no order as to costs.

Gopal Krishna
(GOPAL KRISHNA)
VICE CHAIRMAN

VK