

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH:
J A I P U R .

Case No. 454/1995

Date of order: 26.5.1997

Pooran S/o Shri Nirain, aged about 33 years, resident of Hasanpura, Adarsh Basti, Jaipur, last employed on the post of Casual Labour (BAC) Gangapur City Western Railway, Kota Division.

: Applicant

V/s

1. Union of India through General Manager, Western Railway, Churchgate, Bombay.
2. Divisional Railway Manager, Western Railway, Kota Division, Kota.
3. Divisional Personnel Officer, Western Railway, Kota Division, Kota.

: Respondents

Mr. Shiv Kumar, counsel for the applicant

CORAM:

HON'BLE SHRI RATAN PRAKASH, MEMBER (JUDICIAL)

O R D E R
(PER HON'BLE SHRI RATAN PRAKASH, MEMBER (JUDICIAL))

The applicant herein, Shri Pooran has approached this Tribunal under Section 19 of the Administrative Tribunal's Act, 1985 to seek a direction against the respondents to re-engage him on the post of Khalasi (Casual Labour) and also allow him all the consequential benefits at par with his juniors, fresh persons in pursuance of the policy laid down by the Railway Board.

2. Facts as stated by the applicant in short are that he was initially appointed on the post of Casual Labour in the Western Railway, Kota S.E. Sawaimadhopur W.Ply on 29.1.1983. He worked upto 26.2.1991, but his

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services were put to an end vide Annexure A-2 dated 28.1.1991 on the ground that his appointment is after 14.7.1981. He also supports his averments by way of Service Card as at Annexure A-1. It is the grievance of the applicant that since the applicant has come to know that the respondents have engaged fresh persons de-hors the rules and the policy of the Railway Board and even junior persons as detailed out in para 3 of the OA have been retained during the period March, 1993 to April, 1994 and his efforts to seek relief from the authorities have failed, he has been constrained to approach this Tribunal to claim the aforesaid reliefs.

3. The learned counsel for the applicant Shri Shiv Kumar during arguments has also produced today a copy of the Notification No. E, MB/891/5 (Safaiwala) issued by the Divisional Railway Manager, Kota dated 15.5.97 of Safaiwala which pertains to filling up of 115 posts in the Traffic and the Health Department of the Western Railway, Kota Division. On the basis of this Notification, it has been urged by the learned counsel for the applicant that applicant though he has already moved an application as desired by the Notification; he may be allowed to withdraw the OA with a direction to the respondents to enable the applicant to make a detailed representation also as a follow up action to the Notification dated 15.5.1997 for consideration of his name for appointment to the post of Safaiwala in the Kota Division of the Western Railway.

4. As per the Notification referred to above, the last date to receive the applications for appointment on the post of Safaiwala has been fixed as 10.6.1997.

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It is in the fitness of things that the applicant is given an opportunity for consideration of his name for appointment to the post of Safaiwala in the Kota Division of the Western Railway as notified in the Notification dated 15.5.1997.

5. In view of this, this original application is disposed of at the stage of admission with the following directions :-

- i) the applicant is allowed to withdraw this OA and to apply in accordance with the Notification issued by the Divisional Railway Manager, Western Railway, Kota dated 15.5.1997 (if not already applied) and also submit a representation to the D.R.M. Western Railway, Kota to consider his name for appointment to the post of Safaiwala in Kota Division;
- ii) the respondents in their turn are directed to consider the name of the applicant, if he otherwise fulfills the conditions of appointment on the post of Safaiwala in the Kota Division.

6. With the above directions, the applicant is allowed to withdraw the OA. The OA is disposed of accordingly with no order as to costs.



(RATAN PRAKASH)
MEMBER (J)