

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR
O.A.No.295/1998

Date of order:09.05.2001

Parsadi, S/o late Sh.Moolia, R/o Railway Loco Colony,
Qtr.No.17-L, Near Canteen, Gangapurcity, employed on
Group-D (MAC), W.Rly, Kota Division.

...Applicant.

Vs.

1. Union of India through General Manager, W.Rly,
Churchgate, Mumbai.
2. Divisional Railway Manager(Estt.), W. Railway, Kota
Division, Kota.

...Respondents.

Mr.Shiv Kumar - Counsel for applicant

Mr.T.P.Sharma - Counsel for respondents.

CORAM:

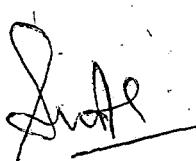
Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.N.P.Nawani, Administrative Member.

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this O.A under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to direct the respondents to grant him medical facilities, leave, transfer pass, increment, etc. Further directions are sought to grant him all service benefits which are available to Railway servants including fixing seniority.

2. Reply was filed. In the reply it is stated that the applicant did not pass screening test conducted on 17.1.96 therefore, the applicant was not entitled for regularisation. It is also stated that the applicant was initially engaged as casual labourer on 26.7.68 and because of his illhealth he was discharged in the year 1975. It is stated that the applicant filed T.A No.2021/86 before this Tribunal which was decided on 22.6.93 and accordingly the applicant is working on the post. Therefore, the applicant has no case for interference by this



Tribunal.

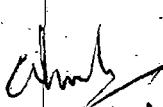
3. Heard the learned counsel for the parties and also perused the whole record.

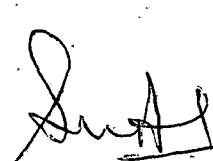
4. It is undisputed fact that the applicant was initially engaged as casual labourer in the year 1968 and he was discharged in the year 1975 due to his illhealth. Thereafter, the applicant was re-engaged and so far he has not been conferred temporary status. The directions to the respondents can only be given regarding the benefits as claimed by the applicant if he is conferred with temporary status. The respondents' department did not find the applicant suitable for regularisation on the basis of screening test conducted on 17.1.96 however the respondents' department has not taken any decision regarding conferring of temporary status to the applicant.

5. It is stated by the counsel for the applicant that the applicant is working since long but he has not been conferred with temporary status, therefore, the applicant is entitled to confer temporary status as he has already been completed 120-days in a particular year.

6. In this connection we only direct the respondents department that they should examine the matter regarding confirmation of temporary status to the applicant. The applicant may file a representation to this effect and on receipt of the representation, the department shall examine the case of the applicant regarding confirmation of temporary status and pass a reasoned and speaking order. If there is any provision in the rules regarding relaxation of age, the same may be considered looking to the long service of the applicant as casual labourer.

7. With the above directions, the O.A is disposed of with no order as to costs.


(N.P. Nawani)
Member (A).


(S.K. Agarwal)
Member (J).