

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 30.11.98

OA 63/98

Arvind Kumar Singh, last employed as casual labour, Loco Shed, Phulera, Jaipur.

... Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager, Western Railway, Jaipur Division, Jaipur.
3. Loco Foreman, Loco Shed, Phulera, Jaipur.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

For the Applicant

... Mr.C.B.Sharma

For the Respondents

... Mr.Manish Bhandari

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Arvind Kumar Singh, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, mainly praying for a direction to the respondents for extension of those benefits where were extended to Shri Har Govind in view of the decision of a Division Bench of this Tribunal rendered in OA 182/91 on 7.10.94, at Annexure A-1.

2. Heard the learned counsel for the parties. Records of the case have been carefully perused.
3. Applicant's case is that he was last employed as casual labour at the Loco Shed at Phulera in the Jaipur Division of the Western Railway and he had worked from 1.3.1991 to 18.8.1991. His services were disengaged in the month of August, 1991. Thereafter, the applicant alongwith others filed an application before this Tribunal. The aforesaid application was disposed of on 7.10.94. In view of the decision in the aforesaid OA, the name of a co-applicant Har Govind was entered in the live register. The applicant claims the same benefit for himself. On the other hand, the respondents have stated that as per the decision of the Principal Bench of the Tribunal at New Delhi, the Railway Board had framed a policy on 31.8.1992, wherein it was provided that casual employees who were employed between 1.7.1990 to 30.6.1992 and who had worked for more than 120 days in a year would be placed in the live register. However, the case of the applicant was not covered by the said policy. It has also been stated that this application is not maintainable for *Chalik* the reason that the same has been preferred for implementation of a judgement

after the rejection of a Contempt Petition filed by the present applicant.

4. Attention has been drawn to a representation, at Annexure A-4, made by the applicant to the concerned authority in September, 1996 and the same is still pending consideration. In the circumstances, the present application is disposed of with a direction to respondent No.2 to decide the applicant's representation, at Annexure A-4, made in September, 1996 through a detailed speaking order on merits keeping in view the decision in OA 182/91 dated 7.10.94 and the scheme framed by the Railway Board on 31.8.1992 within a period of four months from the date of receipt of a copy of this order. No order as to costs.

Gopal Krishna
(GOPAL KRISHNA)
VICE CHAIRMAN

VK