

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

O.A.No. 518/2001

Date: 20.11.2002

Hon'ble Mr. G.C.Srivastava, Member (A)

Hon'ble Mr. M.L. Chauhan, Member (J)

Khalil, S/o Shri Kala Khan, Aged about 40 years,  
R/o 786, Mahaveer Nagar, Tank Road, Jaipur, last  
employed on the post of Hot Weather Water man,  
Western Railway, Kota Division, Kota.

Applicant

(By Advocate: Mr. Shiv Kumar)

Versus

1. Union of India through General Manager,  
Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager, Western Railway,  
Kota Division, Kota.

Respondents

(By Advocate: Mr. U.D. Shama)

O R D E R (Oral)

Hon'ble Mr. G.C. Srivastava, Member (A)

~~Heard~~ Mr. U.D. Shama, learned counsel for the  
respondents.

2. In this OA the applicant, who claims to have been  
working as Hot Weather Water man under the respondents,  
has prayed for the following reliefs:

"(i) That the respondents may be directed to  
consider the case of applicant for reengagement as  
a Hot Weather Waterman with immediate effect.  
Further the respondents may be directed to consider  
the case of applicant in light of judgement rendered  
by Hon'ble CAT in OA No. 77/95 Nanak Singh V/s. Unio  
of India & Ors. decided on 12.3.98 and in light of  
Harimohan V/s. Union of India & Ors. O.A.No. 616/97  
decided on 18.3.2000 being similarly situated of  
those person.

(ii) That any other order/directions/reliefs may be passed in favour of applicant which may be deemed fit, just and proper under the facts and circumstances of this case."

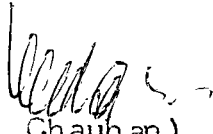
3. The respondents have opposed the OA and have filed a detailed reply stating inter alia that the order dated 19.5.94 which has been challenged in the present OA pertains to one Shri Khalil S/o Shri Aladin whereas the name of the father of the present applicant as mentioned in the OA is Shri Kala Khan and therefore, the impugned order does not pertain to the present applicant and accordingly the OA is not maintainable. Mr. U.D.Sharma, the learned counsel for the respondents submits that the applicant is trying to get advantage of some order passed in respect of another person having the name of Khalil. According to him, rejoinder has not been filed in this OA and his reliance on the aforesaid document is misconceived. Therefore, his claim for temporary status and the relief claimed by him vide order dated 19.5.94 & 29.8.98 is clearly misconceived and unwarranted. Accordingly Mr. Sharma submits that OA being totally misconceived deserves to be dismissed.

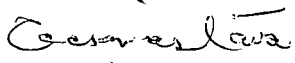
4. Mr. Shiv Kumar, the learned counsel for the applicant has also not filed any rejoinder to the reply filed by the respondents inspite of last opportunity having been given on 3.10.2002. He has also not remained present today even in the second call and therefore, reply of the respondents remains unrebutted.

5. As the order dated 19.5.94 (Annexure A-1) on which the claim of the applicant is founded does not pertain to the applicant, there is no question of any relief

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being granted to the applicant. Accordingly the OA being misconceived and not maintainable is dismissed with no order as to costs.

  
(M.L. Chauhan)  
Member (J)

  
(G.C. Srivastava)  
Member (A)

vtc.