

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,
JAIPUR

Dated of order: 11.07.2003

OA No.248/2003

Ravindra Singh s/o Shri Babu Lal r/o Ram Nagar Colony, Rounda Ka Kuan, 60 Feet Road, Alwar, lastly employed as Casual Labourer under Permanent Way Inspector, at Bandikui Jn. under Jaipur Division of erstwhile Western Railway.

.. Applicant

Versus

1. Union of India through the General Manager, North-Western Zone, North Western Railway, Jaipur.
2. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
3. The Divisional Railway Manager, North Western Railway, Jaipur Division, Jaipur.
4. Senior Divisional Personnel Officer, North Western Railway, Jaipur Division, Jaipur.

.. Respondents

Mr. P.N.Jati, proxy counsel to Mr. Satish Surana, counsel for the applicant

CORAM:

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDICIAL)

O R D E R (ORAL)

Per Hon'ble Mr. M.L.Chauhan

This OA has been filed by the applicant for the following reliefs:-

"(i) That the entire record relating to the case be called for and after perusing the same the respondents may be directed to engage the applicant on work and further regularize the services of the applicant on the post of Gangman

12

or any other suitable post from the date of his juniors so regularized with all consequential benefits.

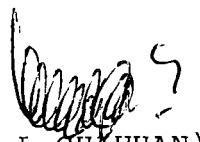
- (ii) That the respondents be further directed not to fill up the vacant posts as advertised vide Annexure A/4 from open market till the regularization of services of the applicant.
- (iii) Any other order, direction or relief may be passed in favour of the applicant, which may be deemed fit just and proper under the facts and circumstances of the case."

2. From the perusal of the pleadings, it is clear that the applicant has not exhausted the departmental remedy by way of filing representation. Further, the case of the applicant is that as per his information, pursuant to the order passed by this Tribunal in OA No.331/92 and other connected matters, screening test for regularisation of services of casual labourers was conducted in the year 1995 thereby ignoring the claim of the applicant. It is further averred that the applicant approached the respondents by way of various requests but the respondents ignored the claim of the applicant by appointing some junior persons and continuing them to work. The applicant has not placed any contemporaneous record in support of his contention. The learned counsel for the applicant submits that the applicant will file a detailed representation to the respondents and he will be satisfied, if a direction is given to the respondents to decide his representation.

3. From perusal of the material placed on record, it is clear that the applicant has not placed any material on

record to justify that the applicant is entitled to the benefit under the 1993 scheme pursuant to which the OA filed by him was decided. Further, there is nothing on record to suggest that pursuant to the order of this Tribunal in OA No.331/92 and other connected matters, where in one of the OA viz. OA No.2734/91, the present applicant was one of the applicant, was entitled for regularisation and his case was ever considered and any person junior to him was regularised by the respondents. At this stage, it will be in the interest of justice, if the applicant is directed to make a representation enclosing copy of this order to the authorities in terms of the order passed by the Tribunal in OA No.2734/91 decided on 9.9.93 and other connected matters and if such representation is made within 2 weeks, the same shall be decided by the authorities concerned in accordance with law within 6 weeks thereafter. Accordingly, the Divisional Railway Manager, North Western Railway, Jaipur Division, Jaipur, who is respondent No.3 in this case, is directed to decide the representation, if made by the applicant within the aforesaid period, within 6 weeks from the date of receipt of such representation by a speaking order in accordance with law.

4. With these observations, the OA is disposed of at the admission stage.


(M.L.CHAUHAN)

Member (Judicial)