

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

Original Application No. 451/2003

Jaipur, this the 29<sup>th</sup> day of March, 2005.

**CORAM : Hon'ble Shri Kuldip Singh, Vice Chairman.**

Abdul Rashid,  
S/o Shri Shakur Khan  
Aged 45 years, r. Singh,  
C/o Milan Kirana Store,  
Behind 40 Railway Quarters,  
Ekta Colony, Gangapur City,  
District Sawai Madhopur  
Rajasthan.

... Applicant.

By Advocate : Mr. P. P. Mathur.

Vs.

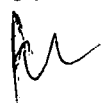
1. Union of India  
Through General Manager,  
Western Central Railway,  
Western Railway,  
Jabalpur.
2. The Divisional Railway Manager,  
Kota Division,  
Western Central Railway,  
Kota.
3. The General Manager,  
Western Railway,  
Church Gate,  
Mumbai.

... Respondents.

: O R D E R :

Kuldip Singh, Vice Chairman.

Applicant, Shri Abdul Rashid, has filed this OA seeking regularization to Group 'D' post. The facts as



alleged by the applicant in brief are that the applicant was initially appointed on Group 'D' post on casual basis on 3.7.81 under the Station Superintendent, Gangapur City and he was issued Casual Labour Card (Annexure A/1).

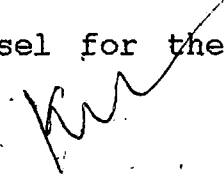
2. The applicant was engaged during 1986 and 1996 as Hot Weather Water-man on various occasions and since in the year 1997 he has completed continuous work as Casual Labour for 120 days, he was granted temporary status also. This fact is not denied by the respondents. Learned Counsel for the applicant submits that vide Annexure A/9 certain persons who were working as Hot Weather Water-man were called for screening for being appointed to Group 'D' post, but the applicant was not called for and could not be screened for being appointed to Group 'D' post. Learned Counsel for the applicant further submits that despite the fact that the applicant was granted temporary status, he was not called for screening as his name did not appear in Annexure A/9.

3. Learned Counsel for the applicant alleges that one similarly placed person Shri Nanak Singh who was granted temporary status and is a appointee later in time than the applicant but since his case has been allowed, Respondents-Railway had been directed to ~~de~~ screen him and re-engage the applicant on the post of Casual Labour under the Respondents-Railway with all consequential benefits. It is further submitted that against the order

*for*

passed by this Tribunal in case of Nanak Singh, the respondents department filed a Writ Petition before the Hon'ble High Court which was dismissed. Against the dismissal of Writ Petition by the Hon'ble High Court, Respondents filed a SLP before the Supreme Court, which was also dismissed and ultimately in pursuance of the order passed by this Tribunal, the respondents had engaged Shri Nanak Singh, as admitted in the counter affidavit itself. Since the case of the applicant is alike with the case of Shri Nanak Singh and on the basis of Judgment passed in Nanak Singh's case, two other applicants namely Shri Sardar Khan & Ors. who have filed a separate OA No.303/95, their cases have also been allowed and respondents were directed to treat those applicants in the same manner as was done in the case of Shri Nanak Singh in OA NO.77/95. It is further submitted that the applicant Shri Sardar Khan in OA No.303/95 had not been even granted temporary status.


4. Learned counsel for the respondents contended that the Railway Board had issued instructions in the year 1998 only to re-engage those employees who were working in the year 1998 itself and since the applicant was not working in the year 1998, he was not called for screening and he could not be engaged and as per the explanation in the case of Nanak Singh is concerned, it is submitted that there is Court's order so they had re-engaged Nanak Singh. But this contention of Learned counsel for the



respondents does not appear to be correct as Circular Annexure A/9 shows that it relates to all those employees who were working prior to 14.7.81 and had been continued till 1998, they were called for screening for the Group 'D' post but in the case of applicant since he had been granted temporary status and he had been initially engaged on 3.7.81 i.e. much earlier to 14.7.81 so he has also a right of screening and after putting him to screening, if he is found fit he should have been re-engaged as per the instructions issued by the Railway Board. In this case also I find that the OA deserves to be allowed on the basis of the judgement given in the case of Shri Nanak Singh and the applicant is also entitled to be given the same treatment.

5. Accordingly, I allow the OA and direct the respondents to follow the similar procedure as was done in the case of Nanak Singh and the applicant may be engaged as Group 'D' Casual Labour, *in case he is found*

*fit after screening*

  
(KULDIP SINGH)  
VICE CHAIRMAN