

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH,
JABALPUR**

O.A. No. 71 of 2006

Jabalpur, this the 15th day of February, 2006

Hon'ble Shri Justice R.K. Batta, Vice Chairman

Manohar Lal Patel,
S/o. Ayodhya Prasad,
Aged about 40 years,
R/o. Tilak Ganj, Behind Gas Co.
Sagar (MP).

Applicant

(By Advocate – Ms. J.L. Aiyer)

VERUS

1. Union of India, through General Manager, West Central Railway, Jabalpur.
2. Divisional Railway Manager (P), West Central Railway, Bhopal. Respondents

ORDER (Oral)

The applicant claims that he was engaged as Casual Labour on 24.9.1985 and had worked for 167 days. He claims that any person who has put in 120 days on casual work is entitled to be considered for absorption and appointment. The applicant further contends that in the year 1998 and 1999, 40 and 10 persons respectively were called for screening but the applicant was not called. The applicant made representations but no action was taken. The said representation was made only on 24.4.2003. The applicant further claims that in the year 2001, 64 persons were called to fill the vacancies and most of the persons were junior to the applicant. This statement of the applicant is apparently not correct as can be seen from Annexure A-6 at page 12 to 14 of the OA which shows that only 5 persons who were having less than 165 days of work have been called. The applicant further states that vide letter dated 24.10.2002 the respondents have again fixed the date of screening but the applicant was not called. The applicant has therefore,

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approached this Tribunal for directions to appoint the applicant at par with person juniors to the applicant with effect from 1999.

2. The learned counsel for the applicant has placed reliance on circular dated 20th September, 2001, whereby upper age limit for consideration was relaxed to 40 years. The said circular also provides that the cases will be considered for absorption with prospective effect. The date of birth of the applicant is 20.2.1965 and the applicant had completed 40 years on 20th February, 2005. The application in question has been filed on 30th January, 2006. The applicant obviously has crossed the upper age limit. The applicant never reacted earlier when other candidates were called. The applicant claims appointment with effect from 1999 which obviously cannot be granted under any circumstances. Moreover, circular dated 20th September, 2001 upon which reliance has been placed by learned counsel of the applicant itself provides for absorption with prospective effect only. The applicant has thus crossed the upper age limit for the said purpose. The applicant is himself guilty of laches for not having approached the Tribunal in time and even on merits I do not find that any case has been made out for issuing directions sought by the applicant.

3. For the aforesaid reasons, the application is summarily rejected.


(R.K. Batta)
Vice Chairman

"SA" पूळांकन सं ओ/न्या.....जदलपुर, दि.....

- (1) जदलपुर
- (2) जदलपुर
- (3) प्रयागराज
- (4) बांदा

सूचना के बारे में जारी करने के लिए कानून

Jay, Date: 27/2/06
Dr. JBR

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For
26.2.06
T.G.