

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

**O.A. No. 72 of 2006**

Jabalpur, this the 15<sup>th</sup> day of February, 2006

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

Omprakash, S/o. Shri Chunni Lal,  
R/o. RB-II, 203 J, Habibganj,  
Railway Colony, Bhopal. .... Applicant

(By Advocate – Ms. J.L. Aiyer)

**VERSUS**

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

**ORDER (Oral)**

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The applicant claimed<sup>s</sup> that he had worked as Casual Labour from 27.5.1985 till 25.5.1992 and had thus worked for a total number of 640 days. The applicant further claims that a Casual Labour who has worked for more than 120 days is entitled for absorption and regularization. According to the applicant during 1998-99 respondents selected 40 and 10 persons respectively after screening. But the applicant was not called even though he had submitted service particulars as directed on 9.2.2002. It is also contended by the applicant that during 2001 respondents called 64 persons to fill up the vacancy and the persons who were called were junior to the applicant. But the applicant was not called. The respondents again called candidates for screening vide letter dated 24.10.2002 but the applicant was not called. The applicant therefore seeks directions for appointment on par with juniors with effect from 1999 as also directions to call him for screening test.

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2. The learned counsel for the applicant place reliance on circular dated 20<sup>th</sup> September, 2001 which is at Annexure A-3 at page 20 of OA. By this circular, upper age limit has been relaxed to 40 years in case of general candidates. The date of birth of the applicant as per Annexure A-1 is 1.1.1958. Thus, the applicant on the date of filing of this OA had almost completed 47 years. Accordingly, the applicant would not be governed by the said circular. In respect of the candidates who were called for the years 1998, 1999, 2001 & 2002, The applicant has not approached the Tribunal within the time limit prescribed but has approached only in 2005 and claims appointment with effect from 1999 which obviously cannot be granted. Even circular dated 21<sup>st</sup> September, 2001 upon which reliance have been placed also speaks of the absorption with prospective effect. The application is not only barred by laches but the applicant also cannot be considered for absorption since he had already crossed the upper age limit of 40 years.

3. In view of the above, I do not find any merit in this OA and the OA is hereby summarily rejected.

*R.K. Batta*  
**(R.K. Batta)**  
**Vice Chairman**

"SA"

- पूछांकन सं ओ/ज्या.....जबलपुर, दि.....  
 पतिलिपि आगे भिजा:-
- (1) सचिव, उच्च न्यायालय, जबलपुर
  - (2) आवेदक श्री/श्रीमती/कु.....के काउंसल
  - (3) प्रत्यर्थी श्री/श्रीमती/कु.....के काउंसल
  - (4) बांधपाल, को.प.दा., जबलपुर सूचना एवं आवश्यक कर्तव्यादी हेतु

*Jayalaxmi's Dixer*  
*Advocate*  
*Jabalpur*

*Forward*  
*16-2-06*

*16/2/06*  
 उप रजिस्ट्रार