

**Central Administrative Tribunal
Jabalpur Bench**

OA No.149/06

Wednesday this the 22nd day of March, 2006

C O R A M

Hon'ble Mr.G.Shanthappa, Judicial Member

Todal Singh
S/o Asharam Kourav
R/o Khursipar Tah. Gadarwara
Distt. Narsinghpur (MP)

Applicant

(By advocate: Shri A.K.Jain)

Versus

1. Union of India through
Secretary
Department of Railways
Rail Bhawan
New Delhi.
2. General Manager
West Central Railway
Jabalpur.
3. Divisional Railway Manager
West Central Railway
Jabalpur.

Respondents

(By advocate Shri M.N.Banerjee)

ORDER (oral)

By Mr.G.Shanthappa, Judicial Member

The above application has been filed by the applicant under Section 19 of the A.T.Act, 1985, seeking the following relief:

- (i) Direct the respondents to consider the case of the applicant for appointment on the post of regular gang man with all consequential benefits when his junior has been appointed.

2. The subject matter belongs to a Division Bench. The request of the applicant is only for a direction to consider his representation. Accordingly I mould the relief only to give a direction to the respondents to take a final decision on the representation.

3. Applicant is an ex-employee under the respondents. He worked as a Casual Labourer from 3.6.78 to 18.4.79. He has produced a document to show his record of service as a casual labour. In the year 2003, some regular posts of Gangman were vacant and applications were called for filling up the same. About 205 casual labourers were appointed in the year 2003 but the applicant was not appointed. For that he had caused to issue a legal notice on 2.8.04. Subsequently a reminder was issued. No action has been taken on the legal notice as also on the representation. Hence the applicant has approached this Tribunal to direct the respondents consider his representation.

4. Shri M.N.Banerjee, learned standing counsel is directed to take notice on behalf of the respondents. Accordingly he accepts the notice. He is permitted to file his memo of appearance in the Registry.


5. After perusal of the application, Shri M.N.Banerjee has raised an objection saying that the cause of action arose in the year 1979. There is an



inordinate delay in approaching the Tribunal. Since the applicant is only asking for a direction to the respondents to consider his representation, I consider the request and direct the respondents to consider the representation. I have considered the submission made by the learned counsel for the respondents. While considering the representation, the respondents are at liberty to assign the reason on the ground of limitation also.

6. Respondents are directed to consider the representation A-3 dated 2.8.04 and A4 dated nil in accordance with the rules on the subject within a period of 3 months from the date of receipt of a copy of this order.

7. With the above observations, the OA is disposed of. No costs.


(G. Shanthappa)
Judicial Member

aa.

पृष्ठान्न सं ओ/न्या.....जबलपुर, दि.....
पतिलिपि अर्पित:-

- (1) सचिव, उच्च न्यायालय वार एडमिनिस्ट्रेशन, जबलपुर
- (2) आनेक श्री/प्रोफेसी/यु.....के कार्डसल
- (3) सचिव श्री/प्रोफेसी/यु.....के कार्डसल
- (4) गंधार, कोपडा, जबलपुर जमकीठ

सूचना एवं आवश्यक कार्यवाही हेतु

उप सुजिस्टार

A. K. Jainy DN JBP
Dr. K. Benarjee
DN JBP

Filed
27.3.06

27/3/06