

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 130 of 2005

Indote this the 18th day of October 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Madanlal Kori, S/o. Mohanlal Kori,
Aged about 42 years, C/o. Har Prasad
Rajak's House, Behind Narayan Photo
Studio, Kasturba Nagar, Kanchghar,
Jabalpur.

.... Applicant

(By Advocate – Shri H.R. Bharti)

V e r s u s

1. Union of India, through
General Manager, West and
C. Rly., Jabalpur.

2. Divisional Railway Manager,
West and Central Railway,
Jabalpur.

.... Respondents

(By Advocate – Shri H.B. Shrivastava)

O R D E R

By Madan Mohan, Judicial Member -

By filing this Original Application the applicant has claimed the following main reliefs :

“8.1 direction to the respondents for reinstate to the applicant for the ends of justice,

8.2 direction to the respondents to decide the representation of the applicant which will be much appropriate justice in favour of the applicant.”

2. The brief facts of the case are that the applicant was a casual employee under the department of the Respondents. He was engaged as a

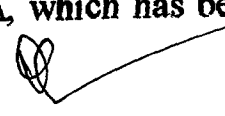


Casual labour from 15.1.1982 and he worked up to 16.6.1984. In this way the applicant has completed 197 days in broken period. In the year 2000 under the scheme of ex-card holders the respondents have offered for reinstatement again. The applicant has submitted prescribed form alongwith other ex-card holders. Subsequently, vide Annexure A-2 near about 350 ex-card holders were selected but the applicant has not been selected. The applicant has submitted the representation in this regard but nothing has been done. Hence, this Original Application is filed.

3. Heard the learned counsel for the parties and carefully perused the pleadings and records.

4. It is argued on behalf of the applicant that the applicant had served with the respondents department for 197 days in broken period from 15.1.1982 to 16.6.1984. In the year 2000 when the respondents have offered for reinstatement again under the scheme of ex-card holders, the applicant also submitted the requisite form and about 350 ex-card holders were selected but the applicant was not considered and selected. The learned counsel for the applicant has drawn our attention towards the judgment passed by the Hon'ble High Court in WP No. 2028/2004 dated 26.4.2004. In the said Writ Petition, the Hon'ble High Court has given directions to the respondents. The learned counsel for the applicant has argued that similar directions be also given in this Original Application.

5. In reply the learned counsel for the respondents argued that the applicant has not challenged any particular order passed against him but he is aggrieved with his non-selection and regularization in Group-D post. He further argued that the respondents had issued a notification on 30.8.2000 calling details of service particulars from the Ex-casual labour who had worked with the respondents. The last date for receipt of applications was fixed as 30.9.2000. The applicant did not submit his application till the last date on 30.9.2000. This fact is very well evident from the Annexure A-1 filed in the OA, which has been certified by the



Senior Subordinate on 31.3.2003. This very fact is sufficient to prove that the application had not been submitted till 31.3.2003. He also argued that after filing of this OA the relevant records have been checked and it was noticed that the application was submitted very late after the last date notified viz after 31.3.2003 when the proceedings for screening were already over and all applications received after the cut off date have not been considered. He also submitted that at present there is no vacancy on which the applicant can be selected. Hence, this Original Application deserves to be dismissed.

6. After hearing the learned counsel for the parties and on careful perusal of the pleadings and records, we find that the respondents have not denied the contention of the applicant to the effect that he has served with the respondents department for 197 days on broken period from 15.1.1982 to 16.6.1984 as casual labour. We have also perused the judgment dated 26.4.2004 passed in WP No. 2028/2004 in Abdul Sattar Vs. Secretary, Ministry of Labour & Anr. in which the Hon'ble High Court has passed that "[W]ithout entering into the debate whether the Union of India was legally justified in not referring the matter to the Industrial Court, considering the appreciable submission made by Mr. Gupta, I am inclined to direct the respondent No. 2 to consider the case of the petitioner also if certain card holders have been extended the benefit by virtue of a scheme or guidelines. The exercise in this regard shall be completed within a period of three months. Respondent No. 2 shall communicate the outcome to the petitioner so that he can know where exactly he stands. Mr. R.K. Gupta assures this Court that all efforts will be made so that the grievance put forth is resolved and the petitioner is not compelled to visit this Court again".

7. Considering all the facts and circumstances of the case we are of the view that the aforesaid judgment passed by the Hon'ble High Court in the case of Abdul Sattar (supra) is squarely applicable to be present case

as well and the decision so passed in the said case shall *mutatis mutandis* applicable to be present case as well.

8. Accordingly, the respondents are directed to consider the case of the applicant in view of the aforesaid scheme for the ex-card holders and if the applicant is found suitable for regularization/appointment his case be considered for regularization/appointment on the next available vacancies in future.

9. Accordingly, the Original Application stands disposed of in the aforesaid terms. No costs.

(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

"SA"

पृष्ठंकन सं. ओ/न्या.....जयपुर, दि.....

पुलिसिनी ३४५६ दिनांक

(1) सचिव, उच्च न्यायालय, जयपुर

(1) सचिव, उच्च न्यायालय, जयपुर काउंसिल

(2) आदेशक, बी.पी.ए.सी. जयपुर काउंसिल

(3) प्रत्यक्षी की प्रीजाती/सु...

(4) वंशपात्र, छेषणा, जन्मपत्र, शादीपत्र, संचना एवं आवश्यक कार्यावाही हेतु

सूचना एवं आवश्यक कार्रवाई हेतु

उप रजिस्ट्रार

Federal
Bill - 5