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**Original Application No. 391 of 2005**

**Jabalpur, this the 14<sup>th</sup> day of September, 2006**

**Hon'ble Dr. G.C. Srivastava, Vice Chairman**  
**Hon'ble Mr. A.K. Gaur, Judicial Member**

Raja, S/o. Indrapal, Aged about 44 years, R/o. Gram Bargard, Tahasil Maun, P.S. Bargard, Distt. Chitrakut (UP).	.....	<b>Applicant</b>
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(By Advocate – None)

## Versus

- a. The Union of India,  
Through : The Secretary,  
Dept. of Railway,  
New Delhi.

- |    |  |       |                    |
|----|--|-------|--------------------|
| b. | The General Manager,<br>West Central Railway,<br>Jabalpur. | ..... | <b>Respondents</b> |
|----|--|-------|--------------------|

(By Advocate – Shri M.N. Banerjee)

ORDER (Oral)

**By A.K. Gaur, Judicial Member —**

The aforesaid case was fixed on 23.6.2006. No appearance was made on behalf of the applicant and thereafter the matter was adjourned to 8.8.2006. As the Division Bench was not available the case was not taken up on 8.8.2006. Today when the case taken up, the learned counsel for the applicant Mr. P.Chaturvedi is not present. Mr. M.N. Banerjee, learned Standing counsel for the Railways is present. Since the controversy is very short and reply has already been filed in this case, we are deciding this matter under Rule 15(1) of CAT (Procedure) Rules, 1987.

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2. The applicant by means of filing the aforesaid Original Application has prayed for the following main relief:-

"i. to quash the order dated 24.11.2004 passed by DRM (Annexure A-5),

ii. and also quash the guidelines issued by the respondents dated 30.8.2000 for regularization of ex-casual labours,

iv. direct the respondent's to appoint on the regular post of Group-D which were advertised by the respondents on 17.5.2002, 24.10.2002 and 7.1.2003 or appoint him before the appointment of his juniors."

3. The brief facts of the case are that the applicant is challenging the order dated 24.11.2004 passed by the DRM (P), Jabalpur rejecting the candidature of the applicant on Group-D post. It is urged on behalf of the applicant that he had started working as a Daily Wager from 25.8.1977. The respondents have rejected his claim on the ground that he did not <sup>apply</sup> applied for appointment on the notification dated 30.8.2000 by which the respondents called the applications from ex-causal labourers.

4. By filing counter reply the submissions raised on behalf of the applicant have been denied by the respondents. It has been contended on the part of the respondents that the applicant has not challenged any particular order but has challenged only the letter dated 24.11.2004. The DRM (P), Jabalpur had issued the notification dated 30.8.2000 (Annexure R-1), calling for details of service particulars from ex-casual labour who worked with the DRM(P), Jabalpur. The last date for receipt of such particulars was fixed on 30.9.2000. According to the respondents the applicant did not submit his application on the prescribed proforma till 30.9.2000. The applications received in time limit i.e. within 30.9.2000 were screened with respect to the eligibility criteria laid down in the notification dated 14.12.2001 (Annexure R-2). The respondents have also stated that relaxation in respect of minimum 3 years service condition

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(continuous or broken) now minimum 120 days casual service, whether continuous or in broken spell is required for those ex-casual labour who are initially engaged as Casual Labour within the prescribed age limit of 28 years for General and 33 years for SC/ST candidates. The order dated 24.11.2004 has been passed by DRM (P), Jabalpur and DRM, (P) Jabalpur has not been impleaded as one of the respondent in the aforesaid case. The learned counsel for the respondents has vehemently argued that the Original Application can be rejected on the ground of mis-joinder of necessary parties, as applicant was very well aware of the fact that order dated 24.11.2004 was actually passed by DRM (P), Jabalpur. The learned counsel for the respondents has also informed that the applicant has already become over age.

5. Having heard the learned counsel for the respondents, we are fully satisfied that no case for our interference is called for and accordingly, the Original Application is dismissed in view of the latest decision of the Hon'ble Supreme Court in Secretary, State of Karnataka & Ors. Vs. Uma Devi(3) & Ors. - 2006 SCC (L&S) 753, whereby the Hon'ble Supreme Court has held that absorption, regularisation, or permanent continuance of temporary, contractual, casual, daily wage or adhoc employees appointed/recruited and continued for long in public employment dehors the constitutional scheme of public employment. No costs.

  
(A.K. Gaur)  
Judicial Member

  
(Dr. G.C. Srivastava)  
Vice Chairman

"SA"

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....  
चलित दिनांक.....  
(1) राजिव, जल न्यायकाल बार प्रवेशिका, जबलपुर  
(2) आदेश, दि. १०/११/०५.....के काउंसल  
(3) आदेश, दि. १०/११/०५.....के काउंसल  
(4) राजिव, जल न्यायकाल बार प्रवेशिका, जबलपुर  
सूचना एवं आवेदन, काउंसल, जबलपुर  
रजिस्ट्रार

P. Chaturvedi  
M. N. Benarjee  
R. N. 238

ISSUED  
on 21/9/06  
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