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CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH,
JA BALPUR

Original Application No.646 of 2005

Jabalpur, this the 30th day of November, 2006.

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

1. Arjun Singh Kori S/o Shri Sukhlal Kori, aged about 42 years, M.R.C.L. Waterman R/o Manorama Ward, Bina, Distt. Sagar.

2. Shiv Shankar S/o Shri Bhagwan Das, aged about 51 years, M.R.C.L. Waterman, R/o Indra Ward, Nai Basti, Bina.

3. Laxmi Narayan S/o Shri Ramgopal aged about 52 years, M.R.C.L. Waterman, R/o Bina.

-Applicants

(By Advocate –Ms.Jayalaksmi Aiyer)

VERSUS

1. Union of India through General Manager, West Central Railway, Jabalpur.

2. Divisional Railway Manager (P), West Central Railway, Bhopal

-Respondents

(By Advocate – Shri S.P.Sinha)

ORDER(Oral)

By A.K.Gaur, JM.-

By means of this Original Application, the applicants claim that the respondents may be directed to appoint them at par with the persons junior to the applicants with effect from 1999.

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2. It has been contended on behalf of the applicants that the applicants have worked in broken spells between the years 1976 and 1992. The applicants are aggrieved by the respondents' action in not calling them for screening test and not regularizing their services in spite of Railway Board's directions/ circulars dated 20.9.2001 and 28.2.2001.

3. We have heard the learned counsel of both the parties and carefully perused the pleadings available on record.

4. The learned counsel for the respondents has taken a preliminary objection that the OA is grossly time barred and no plausible explanation has been offered by the applicants for the delay.

5. We have gone through the reply filed by the respondents. In paragraph 5.2 of the reply, the respondents have clearly and specifically stated that applicant no.1 had applied in response to the notification dated 17.1.2000 (annexure R-1) on the basis of the casual service rendered by him. He was screened and found fit. His name has been recommended and sanction for regular appointment has been sought from the competent authority i.e. the General Manager. The respondents have also stated that on receipt of the sanction, applicant no.1 would be offered job on being medically found fit. In view of the aforesaid statement of fact given in the counter reply, we direct the respondents to finalize the case of applicant no.1 within three months.

6. As regards, applicants nos.2 & 3 ~~are concerned~~^{are concerned}, we find that since applicants nos.2 & 3 have already crossed the age limit of 40 years as prescribed in the Railway Board's order dated 20.9.2001

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(annexure A-11), they are not entitled for consideration for absorption in the railways as ex-casual labourers. We also find that applicants 2 & 3 have also not given any plausible explanation for the delay. They have also not filed any application or affidavit for condonation of delay. Therefore, their OA is liable to be dismissed ^{on merit as well as} in view of the decision of the apex court in the case of **Ramesh Chand Sharma Vs. Udham Singh Kamal** [2000 SCC (L&S)53].

7. In the result, the OA is disposed of as regards applicant no.1 ~~is concerned~~ with a direction to the respondents to finalize his appointment within a period of three months from the date of communication of this order. As regards, applicants nos.2 & 3 ~~are concerned~~, their OA is dismissed. No costs.

A.K. Gaur
(A.K. Gaur)
Judicial Member

Dr. G.C. Srivastava
(Dr. G.C. Srivastava)
Vice Chairman

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पृष्ठांकन से ओ/न्या.....जबलपुर, दि.....
प्रतिनिधि अ. ३ रिपट:-
(1) सचिव, उच्च न्यायालय, जबलपुर
(2) आवेदक श्री/श्रीमती/कु.....के काउंसल
(3) प्रत्यक्षी श्री/श्रीमती/कु.....के काउंसल
(4) बंधुभाऊ, के.प्र.अ., जबलपुर न्यायालय
सूचना एवं आवश्यक कार्यवाही हेतु
उप सचिव

Jayalakshmi Aiyer
S.P. Singh

DSW
on 5/12/01
to