

CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH,
JA BALPUR

Original Application No. 819 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

Murtza Ahmad S/o Mustafa Khan, aged about 46 years,
R/o Bhim Ward, Bina (M.P.)

-Applicant

(By Advocate – Ms. Jayalakshmi Aiyer)

V E R S U S

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)

O R D E R(Oral)

By A.K.Gaur, JM.-

The applicant is aggrieved by the action of the respondents in not considering his case for screening test.

2. According to the applicant, he was initially engaged as casual labour on 22.5.1985 and continued to work till 16.6.1991 in broken spells for a total period of 366 days. The service particulars of the applicant have been filed as annexures A-I/1 to A-I/6. After

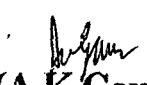
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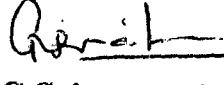
working for more than 120 days, the applicant was declared as monthly rated casual labourer and his service condition was governed by Para 2501 and 2511 of the Indian Railway Establishment Manual. According to the applicant, after his disengagement in 1991, he was assured by the respondents for reengagement against a clear vacancy. However, in spite of the repeated requests, he was not re-engaged.

3. The respondents while filing their reply have denied the averments made in the OA. They have submitted that the applicant was not eligible for consideration for employment as he was over age on the date of notification dated 17.1.2000 (annexure R-1). As per the said circular only those candidates who were up to 40 years of age relating to general category were to be called for screening. Since the applicant was 42 years of age on the date of issue of the said circular, he was not called for screening.

4. In view of the aforementioned statement of fact made by the respondents with regard to the fact that the applicant was overage, on the date of notification dated 17.1.2000, we are of the considered view that no relief can be granted to the applicant.

5. In the result, the OA is dismissed, however, without any order as to costs.


(A.K. Gaur)
Judicial Member

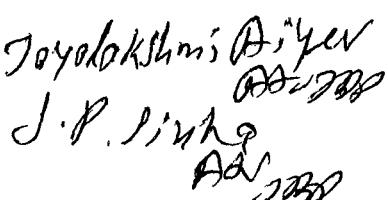

(Dr. G.C. Srivastava)
Vice Chairman

rkv

प्रांतकान सं. ओ/न्या.....जबलपुर, दि.....
परिवर्तनी वर्तमान दिन:-

- (1) अदिति, ११० अंडर, एम ट्रान्सपोर्ट, जबलपुर
- (2) अदिति, ११० अंडर, एम ट्रान्सपोर्ट, को काउंसल
- (3) प्रत्यार्थी श्री/महिला, ११० अंडर, को काउंसल
- (4) बांधाना, को काउंसल, जबलपुर

सूचना एवं आवश्यक वादावाही के लिए


Joyalakshmi Adya
J.P. Singh
Adv. J.B.D.

उप रजिस्ट्रार

ISSUED
on 5/12/01
