

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR**  
**Original Application No 998 of 2004**

Jabalpur, this the 18th day of May, 2005.

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

Swastin More S/o Shri Francis More  
 Aged about 42 years, R/o House of Shri  
 Rajesh Many Krishna Colony, Post Bai Ka  
 Bagicha, Jabalpur (M.P.)

Applicant

(By Advocate – Shri James Antony)

**VERSUS**

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

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

Respondents

(By Advocate – Shri H.B. Shrivastava)

**ORDER (Oral)**

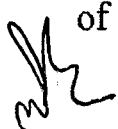
**By M.P. Singh, Vice Chairman –**

By filing this Original Application, the applicant has sought the following main reliefs :-

“8.1 The respondents may kindly be directed to consider the applicant for regularization in the group ‘D’ Post.

8.3 The applicant may please be granted all the consequential benefits after being considered for regularization.

2. The brief facts of the case are that the applicant was appointed as casual labour Khalasi on 25.1.1983 and worked under the Office Superintendent(General) in the office of the Divisional Rail Manager (Personal) Central Railway Jabalpur till 22 June 1984 i.e. for a total period of 537 days. The Casual Labour Proforma, showing the record of service of the applicant duly signed by the office Supt, DRM office



has been filed by the applicant as Annexure-A-1. Thereafter the respondents have notified the vacancies engaging the Casual Labour borne on Live/Supplementary live register in group 'D' category in different departments vide notification dated 30.8.2000. According to the applicant he has applied for the same but the respondents have not considered his candidature for engaging him as Casual Labour in pursuance of this notification. Hence, this OA.

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

4. The learned counsel for the applicant has stated that in pursuance of the notification dated 30.8.2000(Annexure-R-1) the applicant has submitted his application and the same has been received in the office of Chief Office Superintendent(P). However, they have neither considered his candidature nor they have engaged the applicant.

5. On the other hand, the learned counsel for the respondents stated that in pursuance of the notification dated 30.8.2000 no application of the applicant has been received in the office of respondent-railways. The learned counsel for the respondents further stated that there has been a series of reference from various persons <sup>and</sup> ~~with~~ correspondence between applicant and ~~the railways~~ <sup>with</sup> the office of General Manager and also a reference was made from the Member of Parliament to the ~~address~~ <sup>of</sup> General Manager. After holding the internal enquiry, the General Manager has informed ~~to~~ the Member of Parliament vide letter dated 22.9.2003 (Annexure-A-12) stating that the applicant has worked as a Casual Labour for some time with the respondents Railway however, in pursuance of notification dated 30.8.2000 the application of the applicant has not been received till the last date and his name <sup>does</sup> ~~is~~ also not appear <sup>in</sup> ~~ed~~ in the Live Register. At present, the applicant is above 40 years <sup>of</sup> age ~~is~~ <sup>and is</sup>

not eligible for regularisation according to Railway Board letter dated 20.9.2001.

6. After hearing the learned counsel for the parties and considering all the facts and circumstances of the case, the ends of justice would be met if we direct the respondent to consider the case of the applicant in future as and when there is work, in preference to the junior or fresher.

7. With the above directions, the OA stands disposed of. No costs.

(Madan Mohan)  
Judicial Member

(M.P. Singh)  
Vice Chairman

पूठानकन सं ओ/न्या..... जलपुर, दि.....  
पतिविविधि वाच्य विवर -  
(1) सचिव, उच्च न्यायालय, जलपुर  
(2) आवेदक श्री/श्रीमती/.....  
(3) प्रत्यर्पी श्री/श्रीमती/.....  
(4) गंधपाल, कोषाध्यक्ष, .....  
सूचना एवं आवश्यक कार्यवाही उप रजिस्ट्रार

James Anthony  
DA-20P  
H.B. Shrivastava  
DA 03

Received  
cc on 31-5-05  
31/05/05