

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No.24/04

Enrolled, this the 8th day of December, 2004

CORAM

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

Om Prakash Pandey
S/o Shri Gopal Prasad Pandey
R/o 1185/5, Opposite Navjagaran
School, Near Jain Flour Mills
Jaiprakash Nagar, Adhartal
Jabalpur.

Applicant

(By advocate Shri V.Tripathi)

Versus

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

2. Divisional Railway Manager
West Central Railway
Jabalpur Division,
Indira Market
Jabalpur.

Respondents

(By advocate Shri M.N.Banerjee)

ORDER

By Madan Mohan, Judicial Member

By filing this OA, the applicant seeks to set aside the order dated 19.9.2003 (Annexure A1) and a direction to the respondents to consider the applicant for the post of casual labour with all consequential benefits.

2. The brief facts of the case are that the applicant was appointed as casual labour/gangman on 3.10.75 and continuously worked till 18.5.76. The applicant worked continuously for more than 120 days and acquired temporary status as per rules. The Department issued a circular for the purpose of regularisation of casual workers who have already worked for more than 120 days. The applicant submitted his candidature on 12.9.2000 (Annexure A3). September 30, 2000 was the last date for submission of the representation/form. The applicant submitted



his representation within time and therefore his case ought to have been considered for regularisation. However, his case for regularisation was rejected ~~vide~~ impugned order dated 19.2.2003 on the ground that he was over-aged. According to the notification, the maximum age prescribed was 40 years.

3. Heard learned counsel for both parties. It is argued on behalf of the applicant that the applicant had submitted his application within time. He had continuously worked for more than 120 days and he acquired temporary status as per rules. In accordance with the notification dated 28.2.2001 (Annexure A2), the applicant was not considered for regularisation on the ground that he was over-aged.

4. In reply, learned counsel for respondents argued that the applicant was engaged as a casual labour w.e.f. 3.10.75 and he worked upto 18.5.76 in broken period (Annexure R1). The applicant did not work after 18.5.76. Respondent No.2 had issued a notification on 30.8.2000 for regularisation of casual labour and the applicant had applied on 12.9.2000. The request of the applicant was rejected in terms of Railway Board's letter dated 28.2.01. The upper age limit prescribed in the notification was 40 years in the case of general candidates and 45 years in the case of SC/ST. Age limit upto 43 years was available to OBC candidates. The applicant's date of birth being 15.8.57, he was above 40 years. Hence the applicant's case was rejected.

5. After hearing the learned counsel for both parties and a careful perusal of the records, we find that the date of birth of the applicant is said to be 15th August, 1957. He applied for regularisation on 12.9.90. On that date, the applicant was above 43 years while according to the Railway Board's letter dated 28.2.01, the prescribed age limit for general candidate was 40



years. The applicant belonged to general category.

6. Considering all the facts and circumstances of the case, we are of the considered opinion that the applicant is not entitled for the reliefs. The action of the respondents is perfectly legal and justified. Accordingly the OA is dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P.Singh)
Vice Chairman

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Issued
On 14.12.07
BB

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(2) आवेदन सं/व्या/दि..... जलपुर
(3) प्रत्यक्षी श्री/व्या/दि..... जलपुर
(4) जलपुर, जलपुर, जलपुर जलपुर
सूचना एवं आवश्यक कार्यवाही हेतु
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V. Tripathi Adv DBP
M. D. Benaice Adv DBP