

CENTRAL ADMINISTRATIVE TRIBUNAL  
JABALPUR BENCH

OA No. 264/03

Bilaspur, this the 9th day of Sept., 2004.

C O R A M

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

Mohd.Shafi  
S/o Late Abdul Rehman  
R/o Ram Nivas Singh Ward  
Katni  
Ex-substitute Khalasi under  
Loco Mechanical Department  
at New Katni Junction.

...Applicant

(By advocate Shri H.S.Verma)

Versus

1. Union of India through  
General Manager, Western Central  
Railway, Jabalpur.
2. General Manager through  
Chief Personnel officer  
Western Central Railway  
Jabalpur.
3. Divisional Railway Manager  
Western Central Railway  
Jabalpur Division  
Jabalpur.
4. Rambabu Singh  
S/o Chandradeo Singh  
C/o Ramsurat Mashal, under  
Chief Yard Master, New Katni Jn.
5. Indrapal Bindadeen Yadav  
Call boy under Loco Foreman  
Katni.

...Respondents.

(By advocate None)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant seeks the following reliefs:

- (i) Direct the respondent No.3 to consider the screening/  
appointment of the applicant in view of his application  
submitted in response to the advertisement dated  
30.8.2000 (Annexure A6).
- (ii) Direct respondent No.2 the General Manager, Western  
Central Railway, Jabalpur to convey sanction for  
appointment as requested by respondent No.3 vide  
Annexure A4.
- (iii) To direct respondent No.3 to regulate the appointment  
of the applicant from retrospective date, may be  
without back wages and accordingly fix seniority of  
the applicant at appropriate place in Group D Service.

2. The brief facts of the case are that the applicant was appointed as a casual labour in the year 1977 and he continued to work as such upto 9.4.80. The applicant was screened and placed on panel for the post of Ladderman and the panel was issued on 24.12.83 and was medically examined on 8.4.83 and awaiting posting. Secondly a panel of casual labour was again formed by DRM Jabalpur and the name of the applicant was shown on SN 109 but at the time of screening APO(W) Jabalpur changed the same from 109 to 110 and signed on the service card. The applicant represented and met personally the concerned officers. It was conveyed by the Chief Personnel officer (Mechanical) vide letter dated 22.1.90 that the panel formed for screening of monthly rated casual labours are normally operated till the last candidate is absorbed without any time limit. Respondent No.3 approached the General Manager, Mumbai (respondent No.2) for conveying sanction for appointment of the applicant in Group 'D' post as running room bearer and the sanction of the General Manager is still awaited. The applicant further submitted representation. In the meantime, an advertisement was issued by Divisional Railway Manager, Jabalpur on 30.8.2000 calling for applications from the Casual Labour borne on live/supplementary live register in Group 'D' categories in different departments and the applications were required to be submitted through the respective depot in charge with whom the live register of the candidate was maintained. The applicant submitted his application but was shocked to read the news published in "Dainik Bhasker" dated 11.3.03 that some 308 Railway casual labours are going to be offered appointment but the name of the applicant did not appear in the list published. The applicant approached the DRM at Jabalpur with the application dated 19.3.03 but there was no



response. In the meantime, the applicant came to know that respondent No.4 had been called for regular screening in terms of advertisement dated 30.8.2000 ignoring the applicant who had also applied and whose name also appeared in the live register as per requirement. The applicant has thus been discriminated. Another instance of injustice and discrimination against the applicant is the appointment of respondent No.5 who is working as a call boy under Loco Foreman, Katni. In the list published vide A-1, the name of the applicant appears at Sl.No.220 whereas the name of respondent No.5 is at Sl.No.221 and respondent No.5 is also a general candidate. Hence the action of the respondents is in violation of the rules and law.

3. Learned counsel for the applicant is present. Counsel for the respondents is not present. Hence heard the learned counsel of the applicant. It is argued on behalf of the applicant that in the letter dated 14.12.83 for formation of panel of casual labour/substitutes considered suitable for appointment in class IV category in the Loco Department (those who are fit for cat.2 only is shown), the applicant's name is shown at Sl.No.220 while the name of respondent No.5 is shown at Sl.No.221. Apparently he is junior to the applicant. Our attention is drawn towards Annexure A4 dated 26.7.93 and Annexure A5 dated 17.2.97. The respondents have wrongly considered the names of respondents 4 & 5 while the applicant was ignored. Hence the applicant is legally entitled for the reliefs claimed.


4. After hearing the learned counsel for the applicant and perusing the records carefully, we find that a thorough perusal of the aforesaid documents would show that the applicant is shown to be senior to respondent No.5 as the applicant's name is at Sl.No.220 while respondent 5 is 221. We have

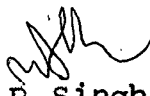


perused the reply in which it is mentioned that when the life of the panel was already lapsed then how he can be absorbed for another post such as running room bearer etc. Respondent No.4 was called for screening since he was on live register. But the name of the applicant was not on live register hence he was not called for screening.

Respondent No.5 who is working as a call boy was appointed on 21.10.86 although he was selected in 1983, the instance raised by the applicant is not justified after 19-20 years, and further mentioned that the applicant had filed a representation dated 19.3.03 Annexure A11 and without waiting for statutory period of six months had filed present petition before any decision could be taken. We have perused Annexure A11 dated 19th March 2003 addressed to DRM, Central Railway, Jabalpur, which is admittedly not disposed of by the respondents and is still pending.

5. After considering the facts and circumstances of the case and after hearing the learned counsel for the applicant, we direct the respondents to consider the representation of the applicant dated 19.3.2003 (Annexure A11), addressed to DRM, Central Railway, Jabalpur, in accordance with rules and dispose it of by a speaking order, within 3 months from the date of receipt of a copy of this order. No costs.

  
(Madan Mohan)  
Judicial Member

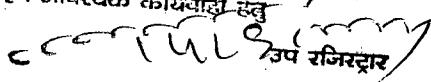
  
(M.P. Singh)  
Vice Chairman

aa.

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....  
पत्तिलिपि अग्रे रिक्त:-

- (1) सचिव, उच्च न्यायालय बार एसोसिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के काउंसलर
- (3) प्रत्यक्षी श्री/श्रीमती/कु.....के काउंसलर
- (4) कोषपाल, डी.ए.अ., जबलपुर न्यायापीठ  
सूचना एवं आवश्यक कार्यवाही हेतु

MS Verma  
MN Samra

  
उप रजिस्ट्रार

Issued  
On 14-9-04  
BS