

Central Administrative Tribunal
Jaipur Bench, JAIPUR

OA.483/2006 with MA.29/2010

This the 18th day of February, 2010

Hon'ble Shri M.L. Chauhan, Member (Judicial)
Hon'ble Shri B.L. Khatri, Member (Administrative)

Mr.Kapoor Chand Saini S/o Sh. Khairatilal Saini aged about 49 years R/o Malipura Jagir, Bandikui District Dausa. Presently working as Temporary Patriwala under P.W.I. North West Railway and Posted at Fatehpur Shekhawati,

...Applicant

(By Advocate: Shri Neeraj Bhati)

- *VERSUS* -

1. Union of India through the General Manager, North West Railway, G.M. Office, Hasanpura, Jaipur
2. Divisional Railway Manager, North West Railway, Power House Road, Jaipur,

.....Respondents

(By Advocate: Shri Tej Prakas Sharma)

ORDER (Oral)

(By Hon'ble Shri M.L.Chauhan, M(J);

The applicant has filed this OA, thereby praying for the following reliefs.

- (i) the aforesaid impugned order dated 4.5.1999 (Annexure A-1) may be modified after taking into account the initial date of appointment of the applicant as 28.6.1978, he may be given benefit



of fixation and revision which have been taken place during the period from 28.6.1978 to 22.12.1997 (the date which has been considered as initial date of appointment of the applicant in the aforesaid impugned order.

(ii) The applicant may be sent back to his original department i.e. Engineering Department at Bandikui Distt. Dausa wherein his lien is being maintained. He may be granted all the benefits which have been extended to the juniors and other similarly situated employee like regularization of service, seniority etc.

(iii) Any other order which this Hon'ble Tribunal considers appropriate in the facts and circumstances of the case may kindly be allowed in favour of the applicant.


2. When the attention of counsel for applicant was drawn to Para 2005(2) of IREM which stipulates that "a casual labour who has attained temporary status and has been paid regular scale of pay, when re-engaged after having been discharged earlier on completion of work or for non-availability of further productive work; may be started on the pay last down by him", Learned ^{& Counsel} of

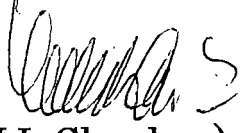
^{for} the applicant submits that he wants to withdraw this OA with liberty reserved to him to file fresh OA in terms of aforesaid provisions of IREM.

3. In view of what has been stated above the applicant is permitted to withdraw the OA with liberty reserved to him to file fresh OA for the same cause of action.

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4. In view of order passed in the OA, no order is require to be passed in the MA which shall stand dispose of accordingly.


(B.L. Khatri)
Member (Administrative)


(M.L. Chauhan)
Member (Judicial)

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