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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A.NO.275/2001 IN O.A.NO.986/2001

Monday, this the 9th day of December, 2002

Hon'ble Shri S.A.T. Rizvi, Member (A)

1. Union of India through
the General Manager
Northern Railway
Baroda House, New Delhi-1
2. The Chief Administrative Officer (Const.)
Northern Railway
Kashmiri Gate, Delhi-6
3. The Deputy Chief Engineer (Const.)
Northern Railway
Patel Nagar, New Delhi

..Applicants

(By Advocate: Shri R.P. Aggarwal)

Versus

Shri Rameshwar s/o Shri Nar Singh & 73 others
working as Black Smith, Mate, Gangman, Trolleyman
Khalasis against TLA in Construction Organization
having lien on Open Line on Delhi Division

...Respondents

(By Advocate: Shri Anis Suhrabady)

O R D E R (ORAL)

Heard.

2. By filing the present RA, the respondents in OA-986/2001 seek review of the order passed by this Tribunal in the said OA on 26.4.2001 (A-RA-1) on the ground that there is a mistake apparent on the face of the record. According to the learned counsel appearing on behalf of the review applicants, the said mistake had arisen due to the applicants in the OA being considered as open line casual labours, whereas in point of fact, they were project related casual labours. The original applicants have been termed as project related casual labours on the basis that they were engaged and continued to work on the construction side, which is equated to working on projects.

3. The learned counsel appearing on behalf of the ~~2 respondents~~ ^{2 petitioners} in the present Review Application has drawn my attention to the decision rendered by the Delhi High Court in Union of India Versus Presiding Officer, Central Government Labour Court & Another by the Court's order dated 13.7.1988 reported as 1989 (2) AISLJ 75 (SC), one of the cases to which a reference has been made in the body of this Tribunal's order in question. I have perused the aforesaid order and find that the status of the petitioners in the writ petition before the High Court was similar to the status of the original applicants. That is to say in the petition before the High Court also, the petitioners were engaged and worked on the project/construction side. Having regard to the aforesaid status of the petitioners, the High Court ultimately held as under:-

"28. None of these cases dealt with the validity of the declaration deeming all construction works to be projects. Therefore, even if a workman has got some advantages as a result of Inderpal Yadav and Ram Kumar's case, it does not mean that he is precluded from challenging on the facts and circumstances that he is not a project worker and is entitled to temporary status after 120 days as a casual labour. The right to be treated at par with persons who were before the Supreme Court cannot stop the workman from contending that he was not a "project casual labour" and consequently became a temporary servant at the conclusion of 120 days in view of the various circulars of the Railway Board. It would, therefore, appear to us that the last contention of learned counsel for the petitioner has also to be rejected."

4. The other case cited in the body of this Tribunal's order dated 26.4.2001, namely, Ram Prasad &
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Others Versus Ganpati Sharma & Another (CWP-5247/97) decided on 27.10.1999 is, according to the learned counsel for the respondents based on the aforesaid order passed in the Union of India Versus Presiding Officer etc. etc. (supra). In these circumstances, according to him, the financial benefit for the period prior to the date of conferment of temporary status should be extended to the respondents.

5. The learned counsel appearing for the review applicants has, on the other hand, placed reliance on Inder Pal Yadav & Others Versus Union of India & Ors., 1985 (2) SLJ 58 (SC) to advance the plea that the respondents could become entitled to the financial benefit in question only after conferment of temporary status consequent upon completion of 360 days of casual work. This is because, according to the learned counsel, the respondents were engaged and worked on the project/construction side. I have considered the aforesaid plea raised on behalf of the review applicants and find that since Inder Pal Yadav's case (supra) was noticed in the case of Union of India Versus Presiding Officer etc. etc. (supra), it will not be in order to decide the matter on the basis of the proposition laid down in Inder Pal Yadav's case (supra), and instead it will be fair and just to grant the relief wholly in terms of the proposition of law laid down by the Delhi High Court in Union of India Versus Presiding Officer etc. etc. (supra). That being so, the present Review Application is found by me to have no force and is rejected.)

(4)

6. The learned counsel appearing on behalf of the respondents submits that the order in question was passed way back on 26.4.2001 but the same has not been complied with despite the fact that the operation of the said order was never stayed. In these circumstances, according to him, directions are required to be given to the review applicants to ensure compliance of the orders passed in the OA expeditiously. I have considered the aforesaid submissions and direct the respondents in the said OA to implement the said order within a period of one month from the date of receipt of a copy of this order.

7. R.A. is dismissed in the aforesated terms.



(S.A.T. Rizvi)
Member (A)

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