

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 122/99

14

New Delhi this the 23rd day of March, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Heera Singh S/O Bulaki
2. Harswaroop S/O Shiv Lal
3. Jai Prakash S/O Shamlay
4. Nanhe S/O Nainu Singh
5. Jagrup S/O Hardev Singh

(1-5 all residents of 227, Sonia
Vihar, Delhi-94)

.. Applicants

(By Advocate Sh.D.K.Garg, learned
counsel through proxy counsel
Sh.T.C.Agarwal)

Versus

1. Union of India
through Secretary, Ministry of
Railways, Railway Bhawan,
New Delhi-1
2. General Manager, Northern Railway
Baroda House, New Delhi-1
3. Divisional Railway Manager
Northern Railway, Moradabad(UP)

(By Advocate Sh.R.L.Dhawan, learned
counsel through proxy counsel Ms.
Sumedha Sharma)

.. Respondents

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

The applicants claim that they have worked as casual labourers with the respondents but have been disengaged. According to them they have made several representations to the respondents regarding their appointment in Group 'D' posts or as regular/labourers but they have not received any response from the respondents. Hence this OA. They have also relied on the letter issued by the respondents dated 11.12.1996 containing a direction to absorb about 56,000 casual labourers on roll as permanent employees of different Railways. They have submitted that in spite of this letter and further action having been taken by different Railways to absorb casual labourers, they have not been absorbed in Northern Railway which is contrary to the letter dated 11.12.1996. They have submitted that the

19

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respondents have not taken any action in pursuance of the directions of this letter issued by the Govt. of India, Ministry of Railways. They have also stated that their names have been entered in the Live Casual Labour Register (LCLR) by the respondents. The main relief prayed for by the applicants, five in number, is that an appropriate direction may be given to the respondents to re-engage them and absorb them as permanent employees of Northern Railway.

2. The applicants have also filed ^{an} MA 123/99 praying for being allowed to file a joint application on behalf of the five applicants. The respondents in their reply have taken an objection to the joint application. They have submitted that with regard to Applicant 1, his name appears at Serial No. 151 of LCLR in the Unit CPWI/MBD. They have further submitted that the seniority list of the Unit of CPWI/MBD was also supplied to applicant 1, and he was also informed that his claim for re-engagement will be considered in his turn strictly as per the said seniority list. As regards the applicants 2, 3 and 5, their seniority numbers are at Serial Nos. 53, 54 and 7, respectively, in the seniority list of CPWI/Amroha. They have also submitted that as regards Sh. Nanhe S/O Sh. Nainu Singh, applicant 4, there is/ ^{the} name of one Shri Nanhe Singh S/O Sh. Lakhwa who is registered at priority No. 64 but according to them, applicant No. 4 had not worked earlier with them as per their records.

3. In the rejoinder filed by one of the applicants, namely, Sh. Heera Singh, applicant No. 1, there is no specific denial of the facts as mentioned above and in particular ^{with} reference to the details regarding applicant No. 4, Sh. Nanhe. In the circumstances, the claim of applicant 4 is liable to be rejected. Taking into account the facts and circumstances of the case, therefore, MA 123/99 for filing a joint application is allowed only in respect of applicants 1, 2, 3 and 5, excluding applicant No. 4.

4. The respondents in their reply have submitted that ^{the} other four applicants, namely, applicants 1, 2, 3 and 5 have been placed ^{and} in the priority lists/LCLR in two units CPWI/MBD/Amroha. They have

also submitted that the instructions issued by the Railway Board letter dated 11.12.1996, which has been relied upon by the applicants, will be relevant in the case of applicants also but they have to wait for their turn as per their priority in the seniority list of the unit concerned, for the purposes of facts and re-engagement. In the circumstances, the stand of the respondents cannot be faulted.

5. In the result the OA is entitled to succeed and is disposed of, noting the above statements of the respondents that the applicants would be re-engaged and absorbed as casual labourers in accordance with their priority in the LCLR in their turn, excepting applicant No.4, in their respective units. Parties to bear their own costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

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