

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.876/1998

New Delhi, this 11th day of September, 2000

Hon'ble Smt. Shanta Shastri, Member(A)

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1. Fakeer Chand
2. Miraj
3. S.A. Ali
4. M. Sohil Kha
5. Siraj Kha
6. Md. Hanif
7. Anish
8. Narayan Dutt
9. Chand Mia
10. Rizwan Ali
11. Munish Ahmad
12. Md. Jakir
13. Ram Sewak
14. Md. Hameed
15. Md. Ameen
16. Md. Shakeel
17. Shakeel Ahmad
18. Md. Yameen
19. Md. Mia
20. Santosh Kumar
21. Veerpal Singh
22. Amar Singh
23. Sajid
24. Ajit Pal
25. Ravi Kumar
26. Akbar Ali
27. Sayad Ahmad
28. Raju
29. Rashid Ahmad
30. Shabab Mia
31. Anil Kumar
32. Mobin Khan
33. Ram Avtar
34. Jagat Pal
35. Amit Kumar Singh
36. Sudheer

All c/o Coal Handling Workers Labour Coop.  
Society Ltd., Loco Shed, NE Rly, Bareilly.. Applicants

(By Shri Yogesh Sharma, Advocate)

versus

Union of India, through

1. Secretary  
Railway Board, Rail Bhavan  
New Delhi
2. Dy. Director Estt(N)  
Railway Board, Rail Bhavan  
New Delhi
3. General Manager  
North-Eastern Railway  
Gorakhpur

4. Secretary  
Coal Handling Workers Labour  
Coop. Society Ltd.  
Loco Shed, North Eastern Railway  
Bareilly City .. Respondents

(By Shri B.S. Jain, Advocate)

ORDER

The main grievance of the applicants in this OA is that their services were disengaged in July, 1994 as the Loco Sheds were closed down by the Railway Department because all the steam engines were replaced by diesel and electrical engines as a matter of policy. Applicants have prayed to consider them for re-engagement and regularisation by extending the benefit of circular dated 31.8.92 of the Railways and the decision dated 16.7.92 in OA No.2685/91 of this Tribunal after treating them as regular employees.

2. The applicants were coalman who were engaged between 1980 and 1985 on contract basis through a contractor for unloading and stacking of coal from the wagons at Loco Shed, Bareilly city in North-Eastern Railway. The work of the applicants was regular in nature and they were working for longer periods of more than 10 years on piecerate basis through a contractor. However in view of the policy decision of the Railways as mentioned above the applicants were disengaged. Some similarly situated persons of the Western Railway approached Jodhpur Bench of the Tribunal in OA No.581/88 decided on 21.1.92 in the case of Om Prakash & Ors. Vs. UOI for relief. The Tribunal allowed the OA partly and directed the Railway Board to issue appropriate instructions within six months to extend the benefit to be allowed to

casual labourers who were engaged on piecerate basis including temporary status, regularisation etc. to the applicants. The Tribunal held that the definition of casual labourer contained in the IREM is wide enough to include persons engaged on piecerate basis. The said judgement was implemented. Again some more similarly situated persons of the Jaipur Division of the Western Railway filed OA No.2685/91 before the Principal Bench of the Tribunal in Delhi. The same was decided on 16.7.92 with the following direction:

"For this purpose, the category of the labourers engaged on piecerate basis should be treated as a separate category, especially when the respondents have decided to ban engagement of such a labour in the future. The respondents should consider the suitability on the basis of their length of service and other relevant criteria and accommodate them as casual labourers wherever vacancies exist in accordance with the scheme which is under their preparation. They shall do so as expeditiously as possible, but preferably within a period of one month from today's date".

3. In the meantime, Railways framed a policy for absorption and engagement of coalman after treating the contract coalman as casual labour of the railway department vide Railway Board's circular dated 31.8.92. However this scheme was confined only to Western Railway and Railway Board has not framed any similar scheme for similarly situated persons of other Divisions of the Railways. The applicants want that the scheme should be made applicable to them also.

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4. In the counter reply respondents raised a preliminary plea that the applicants being the residents of Bareilly do not come within the jurisdiction of this Tribunal. They have not filed any application under Section 25 of AT Act, 1985 for being heard by the Principal Bench. The main circular dated 31.8.92 of the Railways whereby the scheme was framed for regularisation of the coalman in the Western Railway is addressed to the GM of Western Railway and not to the applicants. The application is also time barred. The applicants allege to have worked between 1982-85 and the OA has been filed in the year 1999. There is no application for condonation of delay. It has been further submitted that the alleged representation dated 21.1.98 by the applicants has not been signed by any of the applicants. It has been given on behalf of the Coop. Society. Besides the applicants are not government servants.

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5. I find that a similar matter was heard in OA 2324/98 by this Tribunal in the case of Coal Handling Workers Labour Coop. Society Ltd. Vs. UOI and the same was dismissed on 20.7.2000. The issues involved and the arguments advanced by the parties in that OA are identical. The present OA is on all fours comparable with the aforesaid OA. I therefore do not find any reason to take a different view than that in OA 2324/98. Therefore, the OA is dismissed being devoid of any merits. No costs.

*Shanta J.*  
(Smt. Shanta Shastry)  
Member(A)

/gtv/