

Central Administrative Tribunal, Principal Bench

C.P.No.175/95 in
O.A.No.22/94

Hon'ble Smt. Lakshmi Swaminathan, Member(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 30th day of June, 1997

1. Mohan Singh
s/o Shri Shankar Singh
r/o 1507, Railway Colony
Sant Nagar
Faridabad
Haryana.

2. Shri Shiv Kumar
s/o Shri Ganga Sahai
r/o 1507, Railway Colony
Sant Nagar
Faridabad
Haryana.

... Petitioners

(By Shri U.Srivastava, Advocate)

Vs.

1. A.K.Banarjee
General Manager
Central Railway
V.T.Bombay.

2. R.N.Agha
DRM
Central Railway
Jhansi Division
Jhansi.

... Respondents

(By Shri H.K.Gangwani, Advocate)

O R D E R

Hon'ble Shri R.K.Ahooja, Member(A)

The petitioners allege non-compliance of the order of this Tribunal in OA No.22/94 dated 25.7.1994.

The Petitioners who had worked with the respondents from 22.7.1991 had filed the aforesaid OA No.22/94 praying for reengagement as Casual Labour and to restore their temporary status and their absorption as Group 'D' employees in terms of the original seniority list. The OA was disposed of with the following directions:

"We dispose of this application finally with a direction to the respondents to consider the cases of the applicants for re-engagement as well as for being absorbed in Group 'D' posts strictly in accordance with law and the seniority list prepared by the respondents".

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2. The allegation of the Petitioner is that despite the aforesaid directions of this Tribunal the respondents have engaged some outsiders and freshers and their names and appointment letters have also been mentioned. On the other hand, the respondents have neither been given re-engagement nor have been considered for regularisation as Group 'D' employees.

3. On notice being issued, the respondents have filed a reply. They submit that the petitioners were engaged as Hot weather watermen and their names are borne at Sr. No.550 and 665 of Divisional Seniority list of Hot Weather Watermen. Since the sanction for re-engagement of Hot Weather Watermen were not given, the petitioners could not be re-engaged as Casual Labour. As regards, the allegations that certain outsiders have been appointed, the respondents submit that these jobs were for other duties and not for Watermen and hence applicants were not covered in terms of the directions of this Tribunal.


4. We have heard the counsel on both sides. The contention of the respondents that there is a separate seniority list of Hot Weather Waterman is not disputed. Petitioners do not also dispute the averment of the respondents that their names are at Sr. No.550 and 665. There is also no allegation that any persons junior to them in the seniority list of Hot Weather Watermen have been re-engaged or regularised. In the circumstances, we are unable to see how the respondents can be considered

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guilty of non-compliance of the directions of this Tribunal. The claim of the petitioners cannot be over and above those who are seniors to them in the seniority list in which their names exists. The directions of this Tribunal were also that they will be re-engaged and considered for regularisation strictly in accordance with the seniority list prepared by the respondents. There is also no allegation that the persons whose names have been mentioned by the petitioners have been either re-engaged as Waterman or regularised as such. In the circumstances we do not see any non-compliance of the orders of the Tribunal. For the aforesaid reasons we find no merit in the Petition. The notice issued to the respondents is discharged. CP is consigned to record.


(R.K. AHUJA)
MEMBER(A)

/rao/


(SMT. LAKSHMI SWAMINATHAN)
MEMBER(J)