

Central Administrative Tribunal
Principal Bench, New Delhi

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OA No.1036/95

New Delhi, the 23rd June 1995.

Hon'ble Mr K. Muthukumar, Member (A)

Ramesh Chander Bahera
R/o E 435 C Pratap Vihar
Ghaziabad (UP)

2. Ram Nath Singh
R/o B-13-B, Chandra Vihar
Nandawali, Fazalpur
Delhi-92

3. Chura Mani Thappa
R/o E-7/4 Vasant Vihar
New Delhi-57.

4. Shatrughan Swain
R/o E-435C Pratap Vihar
Ghaziabad (UP). ...Applicants.

(By Advocate: Shri Surinder Singh)
Versus

1. The Chief Administrative Officer (P)
COFMOW, Indian Railways
Railway Office Complex
Tilak Bridge
New Delhi-110 002

2. The General Manager
Northern Railway
HQs office, Baroda House
New Delhi-110 001. ...Respondents.

(By Advocate: Shri R.L.Dhawan)

O R D E R (Oral)

Hon'ble Mr K.Muthukumar, Member (A)

This common application is filed by four applicants who are office Khalasis working in Central Organisation for Modernisation of Workshops (COFMOW). They are aggrieved by the order of the respondents No.1, dated 12.5.95 relieving them of their duties w.e.f. 12.5.95 with instructions to report to the Office of the Divisional Railway Manager (P), Northern Railway, DRM's office, New Delhi. The applicants alleged that the aforesaid order has

been issued inspite of the DRM's office letter dated 15.3.95 (Annexure A.2). This order indicates the list of candidates working as Casual Labourers in COFMOW who are provisionally placed on panel for regularisation against existing vacancies on Delhi Division as C&W Safaiwala. It is also stated in the order that candidates working in COFMOW would continue working there and they will be regularised in due course. The applicants alleged that inspite of this order the respondents have ordered their relief ~~for~~ while at the same time retaining five of the seniors in COFMOW, although, according to them, the seniors have to be sent first to Delhi Division for regularisation. They further alleged that the respondents have issued this order in order to relieve them illegally, and have prayed that the said order should be quashed and the respondents should be restrained from relieving the applicants till disposal of the application.

2. The respondents were directed to file~~s~~ their reply on the question of interim relief prayed for. The respondents have not been able to reply on the OA. It is averred that since COFMOW is a temporary workshop organisation, staff in this organisation have been provided from other zonal railway production units. Since the requirement of the COFMOW ~~was~~ is getting reduced, it was decided that casual labourers of COFMOW should be screened by the Northern Railway for their regular absorption. Accordingly a screening list was published vide letter of the respondents dated 15.3.95 (Annexure A.2). In terms of the above order, the 25 Group-D staff of COFMOW have been sent to the Northern Railway for screening and absorption. It was subsequently decided that casual labourers will also be screened and absorbed in Delhi Division. Accordingly Respondents had asked for 10 more casual labourers to be sent for

absorption and 5 junior most were to be sent initially for absorption. Learned counsel for the respondents stated at the bar that as and when the applicants join the new division, they will continue to be treated as on duty and will draw pay and allowances as they were on duty in the COFMOW hitherto. Further screening will be for the purpose of their physical fitness for Carriage & Wagon Safaiwala/Khalasi in the Northern Railway. Therefore, the respondents maintained that the applicants' fear that they will not be absorbed is unfounded.

3. I have heard the learned counsel and perused the records. In the light of the averments made and the reply of the respondents made at the bar that the applicants will continue to be treated as on duty and shall be eligible for pay and allowances and subject to screening, for absorption in the Carriage and Wagon Department, I do not think there is any serious injury by the order of the respondents relieving them from COFMOW to join ~~another~~ Delhi Division.

4. The application is misconceived and hence is dismissed. It is directed that COFMOW issue fresh directions to the applicants to report to Delhi Division for their absorption.

No costs.



(K. Muthukumar)
Member (A)

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