

Central Administrative Tribunal
Principal Bench, New Delhi.

DA-2345/96
MA-2241/96

New Delhi this the 29th day of May, 1997.

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)
Hon'ble Sh. S. P. Biswas, Member (A)

1. Rail Mazdoor Union through its Divisional Secretary
Shri Shyam Behari Lal,
at L-7/A, Imli Lane Railway Colony,
Moradabad- 244 001
2. Awdhesh Kumar Sinha,
S/O Shri S.P. Sinha
H-153B, Railway Colony,
Herthala, Moradabad
3. Narendra Singh,
S/O Shri Gajram Singh,
H.No. D/39, Gali No. 3,
Krishna Colony, Chander Nagar,
Moradabad
4. Pradeep Kumar Pandey, S/O
Shri P.B. Pandey,
H-153B, Railway Colony,
Herthala, Moradabad
5. Shri Shah Nawaz Khan,
S/O Shri Riaz Hussain Khan,
Meh. Katghar Barwalan, Near State Bank,
Moradabad
6. Shri Daya Ram,
S/O Shri Kewal Singh,
Giani Wali Basti Line Par,
Moradabad
7. Shakil Ahmed,
S/O Nizam Ahmed
C/O Inder Singh Baboo Tea Stall,
Sarai, Pukhta, Moradabad
8. Rafique Ahmed,
S/O Shri Bhulai,
Develpur, Ali Ganj Bazar,
P.O. Bahori, Sultanpur

9. Duli Singh, S/O Sh. Chandan,
R/O Das Sarai, Sita Puri,
Moradabad

10. Sita Ram S/O Naubat Singh,
R/O Christian Hospital,
Maujhola Line Par, Moradabad

11. Ravi, S/O Shri Rajesh,
R/O Railway Herthala Colony,
Chander Nagar, Moradabad

12. Sat Narain Verma, S/O
Shri Om Prakash Verma,
R/O H.No. 89/11-6, Behind Jail
Mandir Wali Gali,
Moradabad

13. Onkar Sharma, S/O Sh. Daya Shanker
Sharma, C/O Daya Shankar Sharma, Tea Stall,
Opposite Loco Gate, Moradabad

14. Rahimuddin, S/O Shri Hassanuddin,
T-74, Loco Colony, Moradabad

15. Shiv Sagar, S/O Vidya Sagar,
Amyan Basti Adarsh Colony,
Moradabad

16. Dhyan Singh S/O Sh. Dasrath Singh,
R/O Amyan Basti, Adarsh Colony,
Moradabad

17. Kunwar Sain, S/O Shri Parshotam,
R/O Gajraula Basti, P.O. Gajraula,
Distt. Moradabad

18. Rajender Parsad, S/O Sh. Pooran Prasad,
R/O L-15C, Kapoor Company,
Moradabad

19. Shri Habib, S/O Sh. Munwar,
P-8 DH, Kapoor Company, Moradabad

20. Mahender Kumar, S/O V.M. Malhotra,
Behind Sanatan Mandir, Anand Bhawan,
Herthala Colony, Moradabad

21. Chaman Bahadur, S/O Shri Bhagwan Sahai,
C/O K.B. Tent House, Herthala Colony,
Moradabad

22. Rattan Kumar, S/O Shri Ram Kishan,
R/O H.No. 320, Adarsh Colony,
Near Mall Godown, P.O. Rosa JN.,
Distt. Shahjahanpur, Moradabad

23. Emanwal, S/O Shri Masiha,
R/O Grave Yard, Near Railway Trai. ng
School, Moradabad

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24. Jugesh Kumar Sharma
S/o Shri C.B. Sharma
R/o Malliwala, P.O. Garhiai
Salim Pur, Moradabad

25. Jangshor Singh
S/o Shri Majid,
R/o Saipur, P.O. Loksar
Distt. Haridwar

26. Mear Hasan, S/o Mihba
R/o Vill. Saipur, P.O. Laksar.
Distt. Haridwar

27. Santosh Mushtia, S/o Danny Masih
R/o Sher Kothi, CN.1 Church
P.O. Roorkee, Distt. Haridwar

28. Man Singh S/o Marhaiya Line Par,
Ram Leela Ki Marhaiya Line Par
Moradabad.

29. Kallo S/o Shri Chunni Lal
Vill. Jaitya, Sadhuwala Pur
P.O. Machharya, Moradabad

30. Sharma Dass S/o Shri Chhottey Lal
R/o Ashok Nagar Behind Jail
Moradabad.

31. Purwaj Alam S/o Mohammad Qayum
R/o E-12-B, Near Railway Hospital
Moradabad.

32. Anil Kumar Sharma S/o Sh. Laxmi Narain
R/o F-387, Sector 12, Vijai Nagar
Ghaziabad. U.P.

33. Vipin Kumar S/o Sh. R.N. Prasad
R/o Rati Mohalla Moradabad

34. Harish Kumar Sharma S/o Sh. Vasudeo Sharma
R/o Vill. Chavar, P.O. Malakpur
Sambhli, Moradabad

35. Suresh Chand Giri, S/o Deep Chand Giri
R/o Vill. Chavar, P.O. Malakpur
Sambhli, Moradabad

36. Mohdi Hasan S/o Shri Bhuray
R/o Vill. Chavar, P.O. Malakpur
Sambhli, Moradabad

37. Tej Bhadur Singh S/o Sh. B.N. Singh
R/o L-7/A, Emli Lane Railway Colony
Moradabad

(Service of all notices on Counsel's Following
Address)

Satya Mitra Garg
113-C, DDA, LIG, Flats
Motia Khan, New Delhi-55

(through Sh. S.M. Garg, advocate)

versus

1. Union of India through
its Secretary, Railway Board
Ministry of Railways,
Rail Bhawan, New Delhi.
2. General Manager,
Northern Railway,
Baroda House,
New Delhi.

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3. The Divisional Railway Manager,
Northern Railway, Moradabad Division,
Moradabad- 244001.

4. Krishna Kumar
S/o Sh. Shuam Lal

5. Pati Ram
S/o Sh. Munna Lal

6. Mohd. Feroz,
S/o Shri Madar Bux

7. Mehandi Hassan
S/o Shri Abrar Hussain

8. Mukesh Kumar
S/o Jai Pal Singh

9. Kallo
S/o Sh. Shiveharan

10. Udaiveer Singh
S/o Durga Singh

11. Ram Avtar,
S/o Shri Lakhan Singh

12. Ram Avtar
S/o Shri Tulsi Singh

13. Kuldeep Singh
S/o Shri B.N. Singh (Prasad)

14. Shiv Raj Singh

15. Malkhan Singh

16. Rajeshwar Singh

17. Ramesh Kumar

18. Jaidev Singh

19. Rajesh Kumar

20. Shyam Babu

21. Harish Kumar

22. Mahesh Kumar

23. Satish Kumar

24. Shiv Ram Singh

25. Kailash

26. Rajender Singh S/o Bhim Singh

(Service of all notices on Respondent Nos.1 to 3 on the above
address and Respondent Nos.4 to 26 through Respondent No.3)

(Sh. D.S. Mahendru for Sh. P.S. Mahendru for official
respondents and Sh. K.K. Patel for private respondents)

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The allegation in this O.A. is that the respondents have given preference in casual engagements to respondents No.4 to 26 while disregarding the applicants' claim who according to him would have been seniors if a proper live casual labour register has been maintained in accordance with the rules.

The learned counsel for the respondents is seeking time again to file a reply. The learned counsel appearing on behalf of Respondents No. 4 to 26 states that they are re-engaged in pursuance of the order of the Hon'ble Supreme Court after verifying their credentials through a Commissioner appointed by the Court for the said purpose. Thereafter, when appointments were not made to these respondents, contempt of court proceedings were initiated against the respondents and appointments were made as directed by the Hon'ble Supreme Court in the first instance. Some of the casual labourers had approached the Hon'ble Supreme Court by way of an interim application and their grievances were not entertained through an interim application.

In the circumstances, the applicants shall make representation to the respondents within one week from today showing the claim of past casual engagements of the applicants individually. Thereafter, the respondents shall pass an appropriate order within two weeks and if found that the claim of the applicants as to the seniority in accordance with the relevant instructions, the respondents shall engage them forthwith

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against available vacancies in preference to all other fresh casual labourers. In the event the respondents are not passing an appropriate order within the time limit given, the applicants are entitled to payment applicable to casual engagements for any day of default.

With the aforesaid directions, this O.A. is disposed of. No costs.

S.P. Biswas
(S.P. Biswas)
Member(A)

Dr. Jose P. Verghese
(Dr. Jose P. Verghese)
Vice-Chairman(J)

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