

Central Administrative Tribunal
Principal Bench, New Delhi.

OA-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, Imlī Lane Railway Colony,
Moradabad- 244 001
2. Awdhesh Kumar Sinha,
S/O Shri S.P. Sinha
H-153B, Railway Colony,
Herthala, Moradabad
3. Narender 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 Hussian 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
3. 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 Trail. ng
School, Moradabad

24. Jugosh Kumar Sharma
S/o Shri C.D. Sharma
R/o Malliwala, P.O. Garhai
Salim Pur, Moradabad
25. Jangshor Singh
S/o Shri Majid,
R/o Saitpur, P.O. Loksar
Distt. Haridwar
26. Mear Hasan, S/o. Mihba
R/o Vill. Saipur, P.O. Laksar.
Distt. Haridwar
27. Santosh Mushka, S/o Danny Masih
R/o Sher Kothi, CN.1 Church
P.O. Roorkhee, 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. Jattya, Sadhuwala Pur
P.O. Machharya, Moradabad
30. Sharma Dass S/o Shri Chhottey Lal
R/o Ashok Nagarm 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, Eml 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.

HP

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. Mehendi Hassan
S/o Shri Abrar Hussain
8. Mukesh Kumar
S/o Jai Pal Singh
9. Kallo
S/o Sh. Shivaharan
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)

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)

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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

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)
Member(A)


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

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