

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.584/1997

New Delhi, this 30th day of November, 1999

Hon'ble Shri S.P. Biswas, Member(A)

Casual Employees Welfare
Association(Regd.No.100/92)
Quarter No.68F, Type 1
Marripalem
Visakapatnam-530 018 and

(21)

731 others, all working as casual
labourers under the Indian Railways,
in different places of India as per
details given in the OA as well as
mentioned in the memo of parties .. Applicants

(through Shri Anis Suhrawardy, Advocate)

versus

Union of India, through

1. Secretary
Ministry of Railways
Rail Bhavan, New Delhi
2. Chairman
Railway Board
New Delhi
3. Director (Establishment)
Railway Board
Rail Bhavan, New Delhi
4. General Manager
South Central Railway
Rail Nilayam, Secunderabad, A.P.
5. General Manager, CORE
Divisional Railway Manager*s office
Allahabad
6. General Manager
Chittaranjan Locomotive Works
P.O.Chittaranjan
District Burdwan
West Bengal
7. General Manager
South Eastern Railway
Garden Reach
Calcutta .. Respondents

(through Shri R.L.Dhawan, Advocate)

ORDER

Applicants, 731 in number, casual labourers under
the Respondent-Railways, are before this Tribunal
seeking reliefs in terms of (i) issuance of directions
to the respondents to offer benefits of regularisation
of their services by giving 50% of their services

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rendered as casual labourers for the purpose of counting seniority as regards retirement benefits are concerned, as well as (ii) confer on them temporary status on completion of 120 days of continuous service in the capacity of casual labourers. The reasons on which the applicants have decided to agitate the issue are the orders of the apex court in the Writ Petitions No.88/92 and No.637/95 decided on 9.12.96 in the case of Hukum Singh & Ors. Vs. UOI & Ors. Their Lordships in the aforesaid case held that "the appropriate course for them to adopt is by approaching the Administrative Tribunal on that basis herein the Tribunal will examine the case of each individual and decide the same in accordance with law. The statement made by learned Additional Solicitor General on 4.11.1996 and reiterated before us today by learned counsel for the Union of India that the required scheme has already been framed by the Government and has also been duly implemented, is disputed by learned counsel for the petitioners. Accordingly, it would be open to the Tribunal to examine the correctness of this assertion made on behalf of the Union of India if this stand is reiterated before the Tribunal".

2. Further detailed reasons for which the applicants seek reliefs as aforementioned in para 1 are available at pages 120-133 of the paper book.

3. Respondents would submit that the application is not maintainable under Rule 4(5) of the CAT (Procedure) Rules, 1987. It has been submitted that Visakapatnam

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where applicant No.1 (Association) is located as well as Chittaranjan where the offices of answering respondents are located, do not fall within the territorial jurisdiction of the Principal Bench of this Tribunal. It is also submitted that no cause of action has accrued in favour of the applicants and against the answering respondents.

4. I have since gone through the voluminous records touching upon the issues raised by the applicants herein. I find that excepting a few, more than 600 applicants are working at different places under the control of Respondent No.7, headquartered at Calcutta (West Bengal). That apart, there are also applicants who are under the control of Respondent No.4, headquartered at Secunderabad (Andhra Pradesh). This is besides the fact that a few other applicants are under the control of Chittaranjan Locomotive Works, West Bengal and General Manager/CORE, Allahabad. The basic issues raised in this OA relate to counting of services for the purpose of retirement benefits as well as offer of temporary status. Even if the Principal Bench of this Tribunal intends to deal with this matter, an impartial view cannot be taken since that would require scrutiny of individual records as well as availability of vacancy positions at the base levels spread over several stations. These details are not available before us.

5. Shri Anis Suhrawardy, learned counsel for the applicant would submit that the matter could only be

decided by the Principal Bench of the Tribunal because of the orders of the apex court.

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6. I find that the applicants have filed MA 696/97 under Rule 4(5)(b) of CAT (Procedure) Rules, 1987 for filing common petition. I find that the applicants have not cared to file any application under Section 25 of AT Act, 1985 read with Rule 6 of CAT (Procedure) Rules, 1987. In the facts and circumstances of the case, applicants should have approached the Hon'ble Chairman under the above provisions to have this case heard at the Principal Bench.

7. Without expressing any view on the merits of the case, I am of the view that the application in the present form is not maintainable on account of jurisdiction for the reasons mentioned above. The OA is, therefore, dismissed. No costs.


(S.P. Biswas)
Member(A)

/gtv/