

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

(7)

OA No.23/94

NEW DELHI THIS THE 25TH DAY OF JULY, 1994.

MR.JUSTICE S.K.DHAON, ACTING CHAIRMAN
MR.B.N.DHOUNDIYAL, MEMBER(A)

1. Sh.Pratap Singh
S/o Shri Bag Chand
R/o House No.1500, Railway Colony
Sant Nagar,
FARIDABAD(Haryana)
2. Shri Vijay Singh
S/o Sh.Karan Singh
R/o House No.1501, Railway Colony
Sant Nagar,

...

APPLICANTS

BY ADVOCATE SHRI O.P.KHOKHA

vs.

D Union of India through

1. Secretary,
Railway Board
Baroda House
New Delhi-110 001
2. General Manager
Central Railway
V.T.Bombay
3. Divisional Railway Manager
Central Railway
Jhansi Division
Jhansi

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RESPONDENTS

BY ADVOCATE SHRI H.K.GANGWANI.

ORDER(ORAL)

JUSTICE S.K.DHAON:

A counter-affidavit has been filed and a rejoinder-affidavit too has been filed.

2. The applicants have come out with a specific case that they have acquired temporary status with the respondents. This case is not accepted in the counter-affidavit. However, after hearing the counsel for the parties and after perusing the relevant record, we are satisfied that both the applicants acquired temporary status.

3. According to the applicants themselves, they were disengaged by the respondents with effect from 23.7.1991. Thereafter, they clamoured for re-engagement.

4. The reliefs claimed are these:

(i) re-engage the applicants as casual labours

and restore temporary status as heretofore.

(ii) absorb the applicants as Group 'D' employees in terms of seniority list circulated vide Annexure A-1 from the date of completion of their period as laid down in the relevant policy.

(iii) the applicants should be given arrears of back-wages as if they were not disengaged from service with effect from 23.7.1991.

(iv) declare the disengagement of the applicants as illegal,unjust,arbitrary etc.

5. In the counter-affidavit filed, the material averments are these. The name of applicant No.1(Pratap Singh) appears in the seniority list at Sl.No.199 and the name of applicant No.2(Vijay Singh) appears at Sl.No.135 in that list.

6. Shri H.K.Gangwani, learned counsel for the respondents urged that this application is barred by limitation. So far as the quashing of the order of disengagement dated 23.7.1991 is concerned and the consequential prayer that the applicants should be given back-wages from the date of disengagement till the date of reinstatement, this application is surely barred by limitation. However, Shri Gangwani has stated at the Bar that the respondents give an undertaking that the applicants will be given assignments as Hot Weather Watermen strictly in accordance with the seniority list. This statement should satisfy the applicants.

7. 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 them (respondents).

8. There shall be no order as to costs.

B.N.Dhundiyal
(B.N.DHOUNDIYAL)
MEMBER(A)

S.K.Dhaon
(S.K.DHAON)
ACTING CHAIRMAN

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