

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.267 of 2000

New Delhi, this the 22nd day of ^{October}~~August~~, 2001

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

1. Shri Hawaldar,
S/o Shri Suraj Ram,
Ty. Khallasi, Under
Senior Sections Engineer, (SSE), (T),
S.W.I., Singnal & Telecom Department,
Northern Railway,
Lothean Bridge,
Delhi-110006.
2. Shri Kanahiya Lal,
S/o Shri Bhikha Ram,
Ty. Khallasi Under
Senior Section Engineer(SSE)-(T),
S.W.I. Signal & Telecom. Department,
Lothian Bridge,
Delhi-110006.
3. Shri Kullanda Value,
S/o Shrilate Kaliappan,
Tempy. Khallasi, Under
Senior Section Section Engineer (SSE)-(T)
S.W.I., Singnal & Telecom. Department,
Northern Railway,
Lothian Bridge,
DELHI. 110006
4. Shri Raj Singh,
S/o Shri Bahor Singh,
Tempy. Khallasi, Under
Senior Section Section Engineer (SSE)-(T)
S.W.I., Singnal & Telecom. Department,
Northern Railway,
Lothian Bridge,
DELHI. 110006
5. Shri Shyam Kishan,
S/o Shri Dukh Haran,
Tempy. Khallasi, Under
Senior Section Section Engineer (SSE)-(T)
S.W.I., Singnal & Telecom. Department,
Northern Railway,
Lothian Bridge,
DELHI. 110006
6. Shri Sardara Singh,
S/o Shri Tej Pratap Singh,
Tempy. Khallasi, Under
Senior Section Section Enginee~ (SSE)-(T)
S.W.I., Singnal & Telecom. Department,
Northern Railway,
Lothian Bridge,
DELHI. 110006
7. Shri Satish Prasad,
S/o Shri Jeevat Ram,
Tempy. Khallasi, Under
Senior Section Section Engineer (SSE)-(T)
S.W.I., Singnal & Telecom. Department,

ku

Northern Railway,
Lothian Bridge,
DELHI. 110006

8. Shri Bhola Prasad,
S/o Shri Chhatra Rai,
Tempy. Khallasi, Under
Senior Section Section Engineer (SSE)-(T)
S.W.I., Singnal & Telecom. Department,
Northern Railway,
Lothian Bridge,
DELHI. 110006
9. Shri Jokhu Ram,
S/o Shri Badra,
Tempy. Khallasi, Under
Senior Section Section Engineer (SSE)-(T)
S.W.I., Singnal & Telecom. Department,
Northern Railway,
Lothian Bridge,
DELHI. 110006
10. Shri Manju Ram,
S/o Shri Bhullar Ram,
Tempy. Khallasi, Under
Senior Section Section Engineer (SSE)-(T)
S.W.I., Singnal & Telecom. Department,
Northern Railway,
Lothian Bridge,
DELHI. 110006
11. Shri Rama Dutt,
S/o Shri Ram Prasad,
Tempy. Khallasi, Under
Senior Section Section Engineer (SSE)-(T)
S.W.I., Singnal & Telecom. Department,
Northern Railway,
Lothian Bridge,
DELHI. 110006
12. Shri Sohan Lal,
S/o Shri Girdhari Lal,
Tempy. Khallasi, Under
Senior Section Section Engineer (SSE)-(T)
S.W.I., Singnal & Telecom. Department,
Northern Railway,
Lothian Bridge,
DELHI. 110006
13. Shri Sham Lal,
S/o Shri Sunder Lal,
Tempy. Khallasi, Under
Senior Section Section Engineer (SSE)-(T)
S.W.I., Singnal & Telecom. Department,
Northern Railway,
Lothian Bridge,
DELHI. 110006

Applicants.

By Advocate: Shri Ravinder Raj.

VERSUS

ku

1. Union of India, through,
The General Manager,
Northern Railway,
Baroda House,
NEW DELHI -01.
2. The Dy, C.S.T.E/S.W.
Northern Railway,
2nd Floor,
New Exchange Building,
D.R.M.Office,
NEW DELHI-110001.
(By Advocate: Shri P.M.Ahlawat)

-RESPONDENTS

ORDER

By Hon'ble Mr.Kuldip Singh,Member(Judl)

The petitioners in this case have filed this OA under Section 19 of the A.T.Act, 1985 as they are aggrieved against the inaction, indifference and no response from the respondents Railway against the representation dated 13th April, 1989. The main grievance of the applicants is that in an earlier OA 2779/91 in the case of **Ram Kishan Prasad Vs. Union of India**, certain colleagues of the applicants, who were similarly situated and similarly placed were granted reliefs as under:-

"8. In the conspectus of facts and circumstances of the case, we hold that the applicant are entitled to succeed and issue following orders and directions:-

a) The period of service rendered by the applicants during the earlier spell 1978-1979 to 1983 shall be scrutinized and they shall be given temporary status from the dates when each of them completed the prescribed period of 360 days.

b) After acquiring temporary status, they would be entitled to all benefits mentioned in para 2511 of the Indian Railway Establishment Manual. They would be entitled to same pay as is admissible to others either in the project or in the open line. Arrear shall be payable to them as in case of their similarly situated colleagues.

c) No arrears would be payable for the period the applicants remained unemployed.

kn

These orders shall be implemented expeditiously and preferably within a period of 6 months from the date of communication of this order."

2. The applicants also claim that they have joined as a casual labourer from the respective dates given below:-

S.No.	Name	Date when given QTy Status as Ty. Khallasi
1.	Shri Havaladar.	24-1-1989
2.	Shri Kanahiya Lal,	24-1-1989
3.	Shri Kullanda Value,	24-1-1989
4.	Shri Raj Singh,	26-1-1989
5.	Shri Shyam Kishan,	24-1-1989
6.	Shri Sardara Singh,	24-1-1989
7.	Shri Satish Prasad,	19-1-1989
8.	Shri Bhola Prasad,	19-1-1989
9.	Shri Jokhu Ram,	24-1-1989
10.	Shri Manju Ram,	24-1-1989
11.	Shri Rama Dutt,	1-2-1989
12.	Shri Sohan Lal,	1-2-1989
13.	Shri Sham Lal,	19-1-1989

3. Since they are similarly situated as petitioners in OA 2779/91 so they are entitled for the same relief and they claim that they are entitled for grant of temporary status w.e.f.1981 instead of 1989 when they had been granted the temporary status. They also claim arrears and consequential benefits of temporary status w.e.f.1981.

4. The OA is contested by the respondents. Respondents have denied the allegations as stated by the applicants. They have even denied about joining of the applicants and working as a casual labourer/khalasi and that they are similarly situated. The respondents also stated that applicants were granted temporary status w.e.f.1989 on completion of 360 days working after their

K

::5::

engagement in 1988. It is admitted that the applicants in OA 2779/91 were granted temporary status as per the judgements of the Hon'ble Tribunal in the said OA. ^(x) The present applicants have been correctly granted temporary status as they were re-engaged in 1994, 1995, 1996 & 1987.] They have also submitted that no representation has been received in the office of the respondents. Respondents have further contended that the applicants are not entitled for benefit of temporary status, as they were not on the Roll of Railway in 1984-85.

5. I have heard the parties and gone through the records.

6. The short question in the present OA is whether the applicants are entitled for conferment of temporary status w.e.f.1981 and they have rightly been granted temporary status w.e.f.1989. Respondents stated that applicants were re-engaged in the year 1988 and thereafter they have been conferred temporary status w.e.f.1989. The allegation of the applicants that they had been working "prior to 1993 has also not been specifically denied by the respondents. Rather the respondents have stated that the matter is as on record. Respondents have stated that the case of temporary status of applicants was considered and they were re-engaged in the year 1988 and were conferred temporary status in 1989 when the applicants completed 360 days. Thus there is an ample admission that these applicants had worked with

(x) The present applicants have been correctly granted temp. status as they were reengaged in 1988.

(Done vide Order's dt 15/2/02 vide MA 2021/02)

20/2/02

ku

::6::

the respondents prior to 1988, since all these applicants have been re-engaged in the year 1988. But the question still remains whether applicants can be given same benefits of the Tribunal judgement in OA 2779/91 as their colleagues got in that OA. To that extent, this judgement came on 5th February, 1993 and the applicants relied letter issued by the Railway dated 26.6.98 itself to the FA&CAO(Construction) Northern Railway as per CAT decision vide sub-para-3 of para 8 of the decision the re-engaged employees are entitled to all benefits mentioned in para 2511 of IREM and they would be entitled to same pay as is admissible to others in the project or in the open line. Arrears shall be payable to them as in the case of their similarly situated colleagues and vide sub-para 'C' of para 8 of the decision. It has been decided that no arrears would be payable for the period the applicants remained unemployed. Learned counsel submits as far as regularisation is concerned, they had taken a decision to extend the benefit of the judgement to those who are similarly situated the applicants. Since the decision had been taken on 26.6.98, and in case the applicants are similarly situated employees so they are also entitled to same benefits.

7. Learned counsel for the respondents stated that the OA is barred by limitation. They have not received the representation from the applicants at the time temporary status were granted to the applicants, after they were engaged. To my mind, this contention of the respondents is not tenable

h

20

::7::

because in their counter itself they have stated that the applicants had been re-engaged which clearly shows that the applicants had been earlier employed by Railway and the respondents themselves had taken a decision only on 26.9.98. They had granted the benefits to similarly situated employees. The applicant have further made a representation to the respondents but without any success. So, I am of the considered opinion that this OA can be disposed of with a direction to the respondents that they shall examine the representations made by the applicants shall verify their records and in case the applicants are similarly situated as their counterpart who had filed OA 2779/98 then applicants shall also be extended the benefit of the said judgement in the same manner as relief granted OA 2779/1998.


✓ OA 2779/91

⊗ 2779/91

Done vide order dt
15/2/02 in P/A
2821/01

of
20/2/02

8. Hence the OA partly is allowed to above extent with the above directions. This exercise shall be completed within three months from the date of receipt of a copy of this order. No costs.


(KULDIP SINGH)
MEMBER (JUDL)

/kd/