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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1602/1989
T.A. No. MP-2559/89

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DATE OF DECISION 20.11.1989

Shri Madhu Sudan Ojha & Ors. Applicant (s)

Shri K.N.R.Pillai, Advocate for the Applicant (s)

Versus
Union of India & Ors. Respondent (s)

Shri M.L.Verma, Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P. Srinivasan, Administrative Member.

The Hon'ble Mr. T.S. Oberoi, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT (ORAL)
(Delivered by Hon'ble Shri P.Srinivasan)

This application has been listed before us for admission with notice to the respondents. The respondents have filed their reply to the application and the applicants have also filed their rejoinder. The pleadings are thus complete. Since counsel for both sides present before us have argued the matter on merits, we proceed to dispose of this application at this stage itself on merits.

2. The applicants - ~~five~~ of them - are currently working as casual labourers at different stations in Jhansi Division of the Central Railway. Their grievance is that they have either been failed in the screening for empanelment for regularisation or have not been considered for empanelment at all, while their juniors have been screened.

3. Shri K.N.R.Pillai, learned counsel for the applicant submitted that the screening said to have made in 1987, in which a panel of 30 names was prepared, was not done in accordance with the rules.

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According to him, empanelling only 30 persons out of a total of 280 persons screened amounted to a selection and not screening for ~~suitability~~. He also submits that among those casual labourers ~~considered~~, the names of two of the applicant were not considered-for no fault of theirs- because their names were not forwarded to the Screening Committee by the authorities of the projects in which they were working. Their names should also have been considered. In any case, if a casual labourer is either screened and found unsuitable for empanelment on one occasion or is not screened at all because of omission of his name from the zone of consideration, he has a right to be screened again after six months. The applicants have not been given such an opportunity in this case. He also submits that there are 42 other casual workers who have similar grievance like the applicant: he seeks permission on behalf of the applicants to represent them also.

4. Shri M.L.Verma, learned counsel for the respondents points out that the cases of two out of the five applicants in this application, namely Jagdish Prasad and Raj Kumar Sharma were actually considered by the screening committee in 1987 and found unsuitable. Applicant No.2 Shri R.N.Dubey, did not attend the screening test and so the question of empaneling him did not arise. As far as applicant No.1 and 3 are concerned i.e. Madhu Sudan Ojha and Onkar Singh, their names were not forwarded to the recruitment committee by the authorities of the project in which they were working. As far as the 42 others were concerned Shri Verma submits that since they are not shown in the cause title as applicants, their cases could be different from those of the applicants. He, however, clarified that failure to be empanelled in one screening does not disentitle a person from being considered again at the next screening and the respondents will have no objection to screen those who have failed to qualify in the screening test held in the year 1987 at the

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next screening test: such tests are held periodically from time to time. If the names of casual labourers working in projects like applicants No.1 and 2 were indeed left out of consideration 1987 due to the omission of the project authorities though they were eligible, their names could be forwarded to the screening committee now and they would be considered at the next screening.

5. After hearing counsel for both sides, we pass the following orders:

- a) Those of the applicants before us who were screened in 1987 and failed to qualify for empanelment, should be given another opportunity of being screened as soon as possible.
- b) Such of those applicants who were absent at the screening held in 1987 should also be considered for empanelment again.
- c) Those of the applicants who are working as casual labourers but were left out of the zone of consideration in 1987 and who are eligible for empanelment should also be given an opportunity of being considered at the next screening test.
- d) So far as others whom the applicants seek to represent are concerned, we feel that a similar treatment should be given to them also i.e. if eligible for empanelment, they should be given an opportunity of being screened at the next screening test in accordance with the rules on the subject.
- e) Till the above process is completed the redeployment of such of the applicants and the 42 others listed in Annexure A-9, who are eligible for screening and empanelment should be deferred.
- f) The application is disposed of on the above terms at the stage of admission itself leaving the parties to bear their own costs.

MP-2555/39 also stands disposed of.

Abey
(T.S. Oberoi)
Member (Judl.)

P. Srinivasan
(P. Srinivasan)
Member (Admn.)