

6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No.CA 732/88

Date of decision: 30.3.1990

Shri Kaptan Singh & 16 Others Applicants

Vs.

Union of India through General Respondents
Manager, Northern Railway

For the Applicants Shri B.S. Mainee,
Counsel

For the Respondents None

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? *yes*
2. To be referred to the Reporters or not? *No*

(The judgment of the Bench delivered by
Hon'ble Shri P.K. Kartha, Vice Chairman(J))

This application filed under Section 19 of the Administrative Tribunals Act, 1985, on 22.4.1988 was admitted on 16.5.1988. Before admission, the Tribunal had directed notice to be issued to the respondents. Despite service of notice, and despite several opportunities given to the respondents, they did not enter appearance or filed ^{or} their counter-affidavits.

2. The applicants have sought the following relief:-
 - (i) ^{to} To quash the impugned order dated 3.7.1985 where^yby the applicants were transferred to work under PWI, Tundla, but on arrival at Tundla, they were not allowed to join

duty. They have sought reinstatement with full benefits of service from the date of their wrongful termination.

(ii) They have also prayed that the decision of the respondents to remove their names from the current casual labour register be set aside and quashed.

3. The facts of the case in brief are that the applicants were appointed as casual labourers from 1981 onwards and they continuously worked upto 5.7.1985. The details of the period during which they worked have been mentioned in the casual labour cards issued to them, photocopies of which have been annexed to the application (vide Annexure A-2, pages 22 to 51 of the Paper-Book).

4. According to the details given in the service records of the applicants, they have worked for more than 120 days and as such they have become entitled to be given temporary status. They have stated that they were transferred from Aligarh to Tundla by an order dated 3.7.1985 passed by the Assistant Engineer, Aligarh. When they reached Tundla, the Assistant Engineer there did not take them on duty. They represented to the Senior Divisional Engineer, Allahabad on 11.10.1985. This was followed by two other representations dated 18.2.1986 and 4.11.1986. In the meantime, the Uttri Railway Mazdoor Union also took up the matter and requested the PWI, Aligarh to include the names of the applicants in the live register of the casual labour. This also did not produce any favourable response.

Thereafter, the applicants ^{also} sent another representation to the DRM, Allahabad on 22.8.1987 requesting him to allow them to perform their duties. They also made an appeal to the General Manager on 10.1.1988 to do justice to them. The application has been filed thereafter. The applicants were not taken back to duty nor were they given any reply. They have moved this Tribunal with the present application.

5. On the basis of the records available, it is clear that the applicants had acquired temporary status in accordance with the provisions of the Indian Railway Establishment Manual and the instructions issued thereunder. The removal of their names from the live casual register without any notice to them is not legally sustainable. No notice of termination of the service was issued to them nor any retrenchment compensation was paid to them.

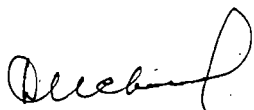
6. In view of the forgoing, we allow the application and direct the respondents to reengage the applicants as casual labourers in the zone in which they were working, failing which in any other zone where there are vacancies. The period of service put in by them would also count for purposes of seniority. The respondents are also directed to include their names in the casual labour register maintained by them.

7. In the facts and circumstances of the case, we do not

pass any order regarding payment of backwages to them.

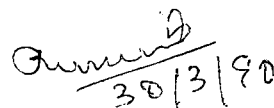
8. The respondents shall comply with the above directions within a period of three months from the date of communication of a copy of this order.

9. The parties will bear their own costs.



(D.K. CHAKRAVORTY)
MEMBER (A)

30/3/1990


30/3/90

(P.K. KARTHA)
VICE CHAIRMAN (J)