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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.Nos. OA 316/87 &
OA 372/87

Date of decision: 20.07.1990.

(1) OA 316/87

Shri Rajan Lamba ...Applicant

Vs.

Union of India & Others ...Respondents

(2) OA 372/87

Miss Jasbir Kaur ...Applicant

Vs.

Union of India & Others ...Respondents

For the Applicants in 1 & 2 ...Shri B.S. Mainee, Counsel

For the Respondents in 1 & 2 ...Shri Jagjit Singh, Counsel

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 Mr. P.K. Kartha, Vice Chairman(J))

The grievance of the applicants in these two applications filed under Section 19 of the Administrative Tribunals Act, 1985, arises out of the termination of their services as Casual Typists and their non-regularisation in service. As common questions of law have been raised in these applications, it is proposed to deal with them in a common judgment.

2. The applicants were engaged as Casual Typists in the Northern Railway on casual labour rates in connection with the summer rush. In the case of applicant in OA 316/87, he has produced a service certificate issued by the Station Superintendent, according to which, he has worked for a period of 425 days from 11.5.1983 to 31.7.1984, 112 days from 11.4.1985 to 31.7.1985, 5 days from 2.8.1985 to 6.8.1985 and 365 days from 3.9.1985 to 2.9.1986. The total period of his service is 907 days. In the case of applicant in OA 472/87, the Station Superintendent has stated in his letter dated 18.12.1980 that he was appointed with effect from 18.12.1980 on daily wages. The contention of these applicants is that having worked for more than 4 months continuously, they became entitled to temporary status as per the Railway Board's Circular dated 12.7.1973. According to another Circular issued by the Railway Board on 4.6.1984, casual labour acquiring temporary status shall be entitled to all the rights and privileges admissible to temporary Railway servants. They have also relied upon the letter of the Ministry of Railways dated 21.4.1982, according to which, the volunteers/mobile booking clerks who have been engaged on various Railways on certain rates of honorarium per hour or per day may be considered for absorption against regular vacancies provided that they have the minimum qualifications required for direct recruits and have put in a minimum of 3 years service a volunteer/mobile booking clerks. Despite the above mentioned Circulars and

Instructions, the respondents did not grant temporary status to them. Instead, the respondents terminated their services by verbal orders. In the case of the applicant in OA 316/87, it has been stated that he was not allowed to perform duty with effect from 1.12.1986, while in the case of applicant in OA 372/87, she was not allowed to perform duty with effect from 20.3.1987.

3. The main contention of the applicants is that they are entitled to the protection of the Circulars and Instructions issued by the Railway Board relating to mobile booking clerks which have been relied upon by them. As against this, the respondents have contended in their counter-affidavit that the Circulars and Instructions relating to mobile booking clerks do not apply to ad hoc daily rated typists. According to the respondents, the services of the applicants had to be terminated on the expiry of the sanction period for the post and due to computerisation of reservation office at Delhi.

4. We have carefully gone through the records of these cases and have heard the learned counsel of both parties. In a similar case (OA 342/87 - Miss Shashi Saxena & Others Vs. O.P. Gupta), this Tribunal has held in its judgment dated 16.7.1990 that the applicants cannot call in question the decision of the respondents to computerise the reservation Office where they had been engaged as Casual Typists. As

they had been rendered surplus in the reservation office due to computerisation, the applicants cannot claim to be absorbed in that office. We are not impressed by the contention of the applicants that they are entitled to the benefits of the Circulars and Instructions issued in the case of mobile booking clerks or their contention that they should be conferred temporary status and regularised as typists.

5. In the facts and circumstances of the case, we, however, direct that in case the respondents need the services of Casual Typists in other offices in Delhi or else-where, they shall consider engaging the applicants in preference to outsiders. The applications are partly allowed with the aforesaid directions.

There will be no order as to costs.

Let a copy of this order be placed in both the case files.

(D.K. CHAKRAVORTY)
MEMBER (A)
20/7/1990.

20/7/90
(P.K. KARTHA)
VICE CHAIRMAN(J)