

(11)

In the Central Administrative Tribunal  
Principal Bench, New Delhi

Regn. Nos.:

Date: 12-2-1992

- |                          |                |
|--------------------------|----------------|
| 1. OA-1994/90            | 8. OA-1690/91  |
| 2. OA-1129/90            | 9. OA-1691/91  |
| 3. OA-1585/90            | 10. OA-1841/91 |
| 4. OA-1858/90            | 11. OA-2136/91 |
| <del>5. OA-1885/90</del> | 12. OA-2158/89 |
| 5. OA-2183/90            | 13. OA-2192/89 |
| 6. OA-2325/90            | 14. OA-1688/91 |
| 7. OA-1820/91            |                |

- |                             |                    |
|-----------------------------|--------------------|
| 1. Shri Bishamber           | ) ..... Applicants |
| 2. Shri Shiv Prashad Sharma |                    |
| 3. Shri Naresh Kumar & Ors. |                    |
| 4. Shri Sadhu Ram           |                    |
| 5. Shri Das Raj             |                    |
| 6. Shri Naresh Kumar        |                    |
| 7. Shri Salik Ram           |                    |
| 8. Shri Ajnash Poddar       |                    |
| 9. Shri Surender Kumar      |                    |
| 10. Shri Shyam Lal & Ors.   |                    |
| 11. Shri Prem Singh & Ors.  |                    |
| 12. Shri Suraj Bhan & Ors.  |                    |
| 13. Shri Nand Kishore       |                    |
| 14. Shri Baney Singh & Ors. |                    |

Versus

- |                         |   |
|-------------------------|---|
| Union of India & Others | .... Respondents  |
| For the Applicants      | .... S/Shri V.P. Sharma,<br>Rajendra Singhvi,<br>K.L. Asthana and<br>A.K. Bhardwaj, Advocates |
| For the Respondents     | .... S/Shri R.L. Dhawan,<br>D.P. Kshatriya and<br>N.K. Aggarwal, Counsel                      |

CORAM: Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)  
Hon'ble Mr. D.K. Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the judgement? *Yes*
2. To be referred to the Reporters or not? *Yes*

JUDGEMENT (ORAL)

(by Hon'ble Mr. P.K. Kartha, Vice-Chairman)

We have heard the learned counsel for both the parties on this batch of applications which deals with

the question of regularisation of the category of railway employees known as 'Hot Weather Watermen'. These persons are engaged for about 4 to 5 months in a year during the summer season from approximately March-end to September. The respondents have, however, stated that they are engaged only from middle of April to the middle of August every year. The applicants have prayed that having regard to their long period of service with the Railways, dating back to 1974 in some cases, they should be considered for regularisation like other casual labourers in the light of the Railway Board's circular dated 8.6.1981 and the directions contained in the judgement of the Supreme Court in Inder Pal Yadav & Others Vs. Union of India & Others, 1985 S.C.C.(L&S) 526.

2. According to the Railway Board's circular dated 8.6.1981, for the purpose of screening and empanelment of casual workers, a Division should be treated as a unit for all the departments.

3. The Railway Board had stated in their letter dated 24.7.1979 that the granting of temporary status as well as regular absorption would apply also to Watermen in hot weather establishments.

4. The learned counsel for the applicants referred to the definition of casual labour contained in para.2501 of the Indian Railway Establishment Manual, according to which,

a

even persons employed on seasonal work, are casual labourers.

5. The applicants before us have worked as Hot Weather Watermen for several years. The learned counsel for the respondents stated that in the Delhi Division, out of 863 casual labourers, including Hot Weather Watermen, 93 persons have so far been regularised. He stated that others will also be regularised in accordance with their length of service. He further submitted that the regularisation of casual labourers will be department-wise and not Division-wise. As against this, the learned counsel for the applicants stated that there are a large number of Hot Weather Watermen working for years in the various Divisions of the Railways awaiting their regularisation in Group 'D' posts.

6. The learned counsel for the respondents relied upon the judgement dated 5.12.1991 of the Jodhpur Bench of the Tribunal in Harish Chandra & Others Vs. Union of India & Others. (OA-304/91 and Others) in which the question of regularisation of Hot Weather Watermen came up for consideration. The Tribunal directed that the respondents should evolve a suitable policy within six months for engagement of such seasonal workers against perennial vacancies of casual labour in the order of their seniority, subject to suitability. ✓


7. In our considered opinion, the problem of Hot Weather Watermen who have worked for several years in the Railways, could be solved only by making a rational scheme to absorb them in each Division of the Railways along with the other casual labourers, depending on the availability of regular vacancies. For the purpose of their regularisation, the broken periods of service put in by Hot Weather Watermen should be condoned and the total period rendered by them should be taken into account. In framing the scheme, the respondents should take the various departments of the Division as a single Unit (e.g., the departments of Loco-Engineering, Mechanical, Traffic, Commercial, Stores, Signal & Telecommunications, Medical, Electrical, Workshops, etc.). The respondents shall prepare such a viable scheme as expeditiously as possible, but preferably within a period of six months from the date of receipt of this order.

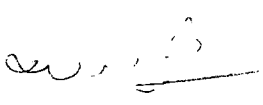
8. Till the respondents prepare a scheme as directed above and implement the same, they shall accommodate the applicants and the similarly situated persons as casual labourers in the various Divisions of the Railways, where they are presently working. In case vacancies are not available in those places, they shall be adjusted in other ~~Departments~~ <sup>Divisions</sup>, depending on the length of service put in by them. The interim orders already passed in these cases as modified above, are hereby made absolute. The respondents are also restrained from inducting fresh recruits as casual

α

labourers in any of their Divisions, wherever located in the country till the applicants and the similarly situated persons are regularised and absorbed in the suitable Group 'D' posts. The applications are disposed of on the above lines. There will be no order as to costs.

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

  
(D.K. Chakravorty)  
Administrative Member

  
(P.K. Kartha)  
Vice-Chairman (Judl.)