

In the Central Administrative Tribunal
Principal Bench, New Delhi

(6)
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Recon. Nos.:

Date: 12-2-1992

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|--------------------------|----------------|
| 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 |
| 5. OA-1858/90 | 12. OA-2158/89 |
| 5. OA-2183/90 | 13. OA-2192/89 |
| 6. OA-2325/90 | 14. OA-1688/91 |
| 7. OA-1820/91 | |

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|-----------------------------|--------------------|
| 1. Shri Bishamber | } Applicants |
| 2. Shri Shiv Prashad Sharma | |
| 3. Shri Naresh Kumar & Ors. | |
| 4. Shri Sadhu Ram | |
| 5. Shri Des 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,
Rajendra Singhvi,
K.L. Asthana and
A.K. Bhardwaj, Advocates

For the Respondents

..... S/Shri R.L. Dhawan,
D.P. Kshatriya and
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

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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,

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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 regularisa-

tion 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 regularisa-

tion, 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~~ ^{Divisions}, 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

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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 'B' 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.)