

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. CA-2074/91

Date of decision: 11.12.1992

Shri Hazari Lal & Ors. Applicants

Versus

General Manager,
Northern Railway & Ors. Respondents

For the Applicants Shri V.P. Sharma, Advocate

For the Respondents Shri B.K. Aggarwal, Advocate

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member

1. To be referred to the Reporters or not? *No*

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

The applicants, who have worked as casual labourers in the office of the respondents, have prayed in this application that the respondents be directed to regularise their services on the basis of the screening/selection held on 4.1.1988 and 11.10.1988 with all consequential benefits, to restrain them from rescreening the applicants and to direct the respondents not to compel them to work in

Locoshed/Mechanical Department. On 12.9.1991, when the application was admitted, an ex parte interim order was passed directing the respondents to maintain status quo as regards the continuance of the applicants at the place of their present posting.

2. We have gone through the records of the case and have considered the rival contentions. The applicants were engaged as casual labourers since 1978/80. According to them, they have been screened and empanelled, but have not been regularised. They had been working in the Traffic & Commercial Department, but they have been asked to work in the Locoshed/Mechanical Department. They claim prescriptive right to be appointed in the Traffic & Commercial Department.

3. As against the above, the respondents have stated in their counter-affidavit that they have no work for the applicants in the Traffic and Commerce Department, and that the applicants have been regularised in the Mechanical Department and have joined there.

4. The learned counsel for the applicants relied upon Rule 2501 of the Indian Railway ^a Establishment Manual which provides that casual labourers are not liable to transfer. According to the learned counsel for the respondents, the instant case is not one of transfer, but of regularisation of casual labourers, wherever vacancy exists.

5. In our opinion, when there are no vacancies in the Traffic and Commercial Department to regularise all the applicants, no directions can be issued to the respondents to regularise them in the said Department. Having regard to the fact that the applicants have worked in the Traffic & Commercial Department for a fairly long period, what at best can be done is that they should be considered for appointment in the said Department as and when vacancies arise and subject to the relative seniority of the persons concerned.

6. Accordingly, the applicants may make representations to the respondents to consider appointing them in the Traffic and Commercial Department whenever vacancies arise there. In that event, the respondents shall consider their representation and accommodate as many of them as possible in the Traffic and Commercial Department, depending on the number of vacancies and the relative seniority of the applicants. The application is disposed of on the above lines. There will be no order as to costs.

B.N. Dhoundiyal
(B.N. Dhoundiyal) 11/12/92
Administrative Member

Amrit
11/12/92
(P.K. Kartha)
Vice-Chairman(Judl.)