

O.A.No.2682/91

Kanhaya Lal and Others vs. Union of India and others.

O.A. No.3083/91

Hanuman Singh & others vs. Union of India and others.

O.A.No.2124/92

Manoj Kumar and others vs. Union of India and others.

Date of decision: 8th Sept., 1993.

Mr. V.P.Sharma, counsel for the petitioners. |
Mr. Shyam Moorjani, counsel for the respondents | In all the three
O.As.

CORAM:

The Hon'ble Mr J.P.Sharma, Member(J)

The Hon'ble Mr B.K.Singh, Member(A).

J U D G M E N T

J.P.Sharma, Member(J) (Oral)

In all these applications, similar issue of fact and law is involved. In O.A.2682/91, Kanhaya Lal is the leading applicant and there are 5 other applicants besides him. All the above applicants in all the above mentioned Original Applications at one time were working as Casual Labourers in Loco Shed, Western Railway, Jaipur and Bandi Kui Railway Stations. The fact whether they were casual labourers or not has been explained by the respondents in their reply in the manner that the applicants were coal un-loading labourers working on piece rate basis.

The applicants in all these applications have claimed the similar relief that the respondents be directed to re-engage the applicant in preference to the juniors till the regularisation of their services.

The respondents, in their short reply in all these Original Applications, annexed a note of the policy decision in the case of Coal Unloading Labourers, Jaipur Division, which is annexure R-1 to the Counter. At page 2 of this paper, the respondents have framed a scheme for engagement of Casual Labourers in the Railways

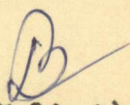
subject to the following stipulations:

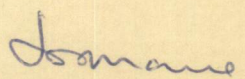
- " i) Such of the contract labour will be engaged as Casual Labour who have worked as such for at least 120 days during the preceding two years as on 1.7.92;
- ii) Their engagement as Casual Labour will only be considered in Mechanical Deptt. on the railway as a whole, depending upon the requirements.
- iii) The casual labour to be so engaged have to satisfy the prescribed age limits namely 18-28 years. Upper age limit may be relaxed to the extent of engagement as piece-rated contract labour.
- iv) Once engaged as casual labour, they will be governed by instructions as applicable to Casual Labour. "

We have heard both the counsel at length. The learned counsel for the respondent has also referred to the decision in earlier DA No.581/88 passed by Jodhpur Bench and another judgment passed in DA 2685/91, decided by the Principal Bench by the order dated 16th July, 1992.

The ld. counsel for the applicant Sh.V.P.Sharma stated that the applicants are satisfied with the scheme and now no grievance survives to them.

In the above facts and circumstances, all the applications are disposed of with the direction to the respondents to implement the scheme, they have annexed with the reply and give benefit if the applicants are covered under that scheme. Costs on parties.


(B.K.Singh)
Member(A)


(J.P.Sharma)
Member(J)

8/9/93

/sds/