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CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH.

O.A. NO. 2842/91

New Delhi this the 17th day of July, 1995.

Hon'ble Shri N.V. Krishnan, Vice Chairman(A).

Hon'ble Dr. A. Vedavalli, Member(J).

1. Partap S/o Shri Ram Kumar,
2. Bansi S/o Shri Chittar,
3. Khilari S/o Shri Suraj Mal,
4. Ram Singh S/o Shri Mardana,
5. Rohtas S/o Shri Sohan Lal,
6. Ram Dhan S/o Shri Jharia,
7. Ram Phool S/o Shri Ram Partap.

(All are working as Casual Labour Gangmen(CPC)
in the office of P.W. I, Alwar(Raj). ..Petitioners.

By Advocate Shri V.P. Sharma.

Versus

1. Union of India through
The General Manager,
Western Railway, Churchgate,
Bombay.
2. The Secretary,
Railway Board, Rail Bhawan,
New Delhi.
3. The Divisional Railway Manager,
Western Railway,
Jaipur.
4. The Assistant Engineer,
Western Railway,
Alwar (Raj) ..Respondents.

By Advocate Shri Ashish Kalia, proxy for Shri Jagjit Singh, Counsel.

ORDER (ORAL)

Hon'ble Shri N.V. Krishnan.

The seven applicants before us have filed this O.A. with a grievance that though they have been working as Casual Labours ^{ers} under Railways for a number of years and have also attained

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temporary status, yet the respondents have not taken any action to regularise their services. Hence, the O.A. has been filed for a direction to the respondents to regularise the services of the applicants along with all consequential reliefs. It is stated that the applicants are working as Casual Labour^s (Gangman) in the office of the Assistant Engineer^s, Western Railway, Alwar (Respondent No. 4). They were engaged in 1983. They have also acquired CPC status (temporary railway servant) on completion of 120 days continuous service. The third respondent, the Divisional Railway Manager, Western Railway, Jaipur, is stated to have issued the Annexure A-3 seniority list wherein the names of the applicants find a place. However, a perusal of the Annexure A-3 shows that it is only a seniority list based on working days upto 31.12.1988.

2. The O.A. was filed in November, 1991 and notice was directed to be issued to the respondents on 3.12.1991. Since then, the respondents have not filed any reply. After admitting the case on 3.12.1991, an interim direction was issued not to transfer the applicants from the open lines work to CTR work. The respondents filed M.P. No. 1517/92 for vacating the interim order dated 3.12.1991 which had been continued by the subsequent order dated 31.1.1992. In that M.A., it is also stated that the applicants were appointed on Complete Track Renewal (CTR) and not on the open lines. They were given temporary status on CPR project work.

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3. No other reply has been filed by the respondents.

4. We have heard the learned counsel for the parties. Irrespective of whether the applicants were in the open lines or were engaged in CR, one thing is clear, namely, that they were engaged in 1983 and at the end of 1988 they had around 2000 days or so to their credit, details of which are given in the Annexure A-3 seniority list. It is also admitted that they have been given temporary status. Such persons are entitled to be considered for regularisation in accordance with the existing rules and instructions of the Railways.

5. The learned counsel for the applicants submitted that after filing of the O.A. the applicant No. 1 expired and he states that his family is, according to his information, in receipt of family pension. In the circumstance, this O.A. will abate in respect of the applicant No. 1. The learned counsel for the applicants also states at the Bar that the other applicants are still working.

6. In this view of the matter, we are satisfied that this is a case where a direction should be given to the respondents to consider the claim of the applicants, excepting Applicant No. 1, for regularisation in accordance with the existing rules and instructions of the Government. We direct accordingly. We further direct that the respondents should intimate the result of such consideration to the applicants, within three months from the date of receipt of this order. O.A. is disposed of accordingly.

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7. In this case, the stay order had been issued on 3.12.1991 directing the respondents to continue the applicants in the present posts in the Open Lines which had been continued. The stay order stands vacated. However, it is open to the respondents to appoint the applicants in accordance with rules, provided the continuance of their service is not disturbed.

A Vedavalli

(DR. A. VEDAVALLI)
MEMBER(J)

N.V. Krishnan
17.7.95

(N.V. KRISHNAN)
VICE CHAIRMAN(A)

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