

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Dated 9.9.1993

DA No. 2734/91

Ram Kishan & 12 others

Applicants

DA 3043/91 Hari Mohan & 24 others

Applicants

DA 331/92 Komal Singh & 26 Ors.

Applicants

DA 816/92 Ram Charan & 15 others

Applicants

Da 2210/92 Amar Pal Singh & 7 Ors.

Applicants.

Vs.

Union of India & Ors.

Respondents.

Shri V.P. Sharma, Counsel for applicants in DA 331/92
Shri Ramesh Ga utam, Counsel for respondents;

In most of the cases - Shri V.P. Sharma for applicants

Shri Jagjit Singh & Shri Shyam Moorjani for
Shri Ramneek Singh - Respondents.

CORAM

1. Hon'ble Mr. Justice J.P. Sharma, Member (J)
2. Hon'ble Mr. B.K. Singh, Member (A)

JUDGMENT (ORAL)

(delivered by Hon'ble Mr. Justice J.P. Sharma, Member (J)

In DA-2734/91 (Ram Kishan & 12 Ors.), DA-3043 (Hari Mohan & 24 ors.), DA-331/92 (Komal Singh & 26 ors.), DA-816/92 (Ram Charan & 15 ors.) and DA-2210/92 (Amar Pal Singh & 7 ors.) all these applicants have filed these applications separately while they were working as coal unloading labourers in the Loco Shed, Western Railway, at the Railway Station Jaipur-Bandakui. Since the common question of fact and law is involved ^{on} almost the same issue, these applications are being disposed of by a common judgment.

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

3. We heard the learned counsels of the parties and perused the records. The respondents in some of the above-mentioned original applications have filed short reply annexing a note of the policy decision regarding the coal unloading labourers (R-I). The scheme prepared by the respondents for engagement of casual labourers is 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 limits may be relaxed to the extent of engagement as piece-rated contract labour; and
- iv) Once engaged as casual labour, they will be governed by instructions as applicable to casual labour.

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

The learned counsel for the applicant shri 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)
A.M.

(J.P. Sharma)
J.M.

vpc

True Copy
A.M.
P.M. 9/9/83

PRITAM SINGH
Court Officer
Central Administrative Tribunal
Principal Bench
Faridkot House, New Delhi