

DATED THIS THE 3RD OF OCTOBER, 1994

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Shri N.V. Krishnan. Hon. Vice Chairman(A)
Shri C.J. Roy, Hon. Member(J)

1. MA.2042/94
and
OA.2687/91

1. Deen Dayal	S/o Shri Hem Raj,
2. Bhagwan Singh	S/o Kaloo Singh
3. Hari Singh	S/o Sukh Singh
4. Gopal Singh	S/o Puran Singh
5. Mahabir	S/o Suraja Ram
6. Mangal	S/o Har Lal
7. Prem Chand	S/o Chander Bhan
8. Shri Ram	S/o Jhoonta
9. Bhagwana	S/o Muralidhar
10. Ram Dav	S/o Bhagirath
11. Birdu	S/o Krishna
12. Mukha	S/o Omkar
13. Birbal	S/o Narain
13A. A.Sayar	S/o Chandri
14. Veer Singh	S/o Jhar Ram
15. Rati Ram	S/o Thawaria
16. Om Parkash	S/o Mehar Chand
17. Rohtas	S/o Tara Chand

2. ✓ MA.3135/94
and
OA.3046/91

1. Tiku Ram	S/o Bhagwana
2. Mohan Lal	S/o Lila Ram
3. Ram Kumar	S/o Thanda
4. Matadeen	S/o Omkar
5. Basanti Lal	S/o Gokal Ram
6. Dhansi	S/o Ganga Ram
7. Bisamber	S/o Suraja Ram
8. Amar Singh	S/o Pala RAM
9. Nand Singh	S/o Hari Singh
10. Lal Chand	S/o Bhagwana
11. Ramesh	S/o Om Parkash
12. Raj Kumar	S/o Om Parkash
13. Suraj Bhan	S/o Gula Ram
14. Chajju Ram	S/o Govinda Ram
15. Gyarsi Lal	S/o Sohan Lal
16. Hari Ram,	S/o Rameshwar Dayal
17. Dhura	S/o Girdhari
18. Bhola Ram	S/o Bhadur
19. Ram Pal	S/o Ram Dev
20. Girdhari	S/o Narain
21. Tara Chand	S/o Nagor
22. Chothmal	S/o Prabhati Lal
23. Mukha	S/o Om Kar
24. Tara Chand	S/o Jutha
25. Makhan Lal	S/o Suwa Lal
26. Rohtas	S/o Gula Ram
27. Jarwara	S/o Bhora
28. Sugana	S/o Khuba Ram
29. Swai	S/o Asha Ram
30. Bilasa	S/o Ram Nath

3. MA.3136/94
OA.3056/91

1. Nahniya	" Dev Pal Meena
2. Lala Ram	" Balu Ram
3. Banwari	" Ganga Ram
4. Puran	" Ganga Ram
5. Chottay Lal	" Ghisa Ram
6. Kalu Ram	" Narain
7. Mukesh Kr.Sharma	" Satya Narain Sharma

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| 8. | Om Parkash | " | Bansi Ram |
| 9A. | Ganga Shai | " | Ram Chander |
| 9. | Birbal | " | Shadu |
| 10. | Chhotu | " | Mangla |
| 11. | Om Parkash | " | Narain |
| 12. | Tara Singh | " | Khanya Lal |
| 13. | Kailash | " | Shyam Lal |
| 14. | Bhawani Singh | " | Umrao Singh |
| 15. | Harzi | " | Gopi |
| 16. | Isswar | " | Nanu |
| 17. | Dadu | " | Chajju Ram |
| 18. | Chajju | " | Hanuman |
| 20. | Puran | " | Kanu Ram |
| 21. | Chittar | " | Nathu |
| 22. | Mohan | " | Bajranga |
| 22A. | Raja Babu | " | Shankar |
| 23. | Mohan Singh | " | Ranjeet Singh |
| 24. | Rang Lal | " | Mana Ram |
| 25. | Chander | " | Changa |
| 26. | Miseriya | " | Ram Swarup |
| 27. | Hazari Lal | " | Jammna Lal |
| 28. | Banwari | " | Suraja |
| | | | |
| 4. | MA.3358/94 | | |
| | <u>OA.979/92</u> | | |
| 1. | Ram Dhan | " | Ruda Ram |
| 2. | Ram Phool | " | Ram Shai |
| 3. | Rameshwar | " | Mool Chand |
| | | | |
| 5. | MA.3380/94 | | |
| | <u>OA.247/92</u> | | |
| 1. | Shri Shiv Lal | " | Boddan |
| | | | |
| 6. | MA.3381/94 | | |
| | <u>OA.2498/92</u> | | |
| 1. | Om Parkash | " | Gori Lal |
| 2. | Kalu Ram | " | Mohan Lal |
| 3. | Babu Lal | " | Deepa |
| 4. | Banshi Lal | " | Nanda Ram |
| 5. | Mange Lal | " | Soni Ram |
| 6. | Ram Sukh | " | Narain |
| 7. | Khem Chand | " | Narain |
| 8. | Sunna | " | Ganga Ram |
| 9. | Chaggan | " | Thana |
| 10. | Ram Narain | " | Bhori Lal Saini |
| 11. | Chuttan | " | Bhikha Ram |
| 12. | Radha Kishan | " | Ram Chander |
| 13. | Partayo | " | Dhanna |
| 14. | Laxman Ram Meena | " | Jagari Nath Meena |
| 15. | Ramphool | " | Laxmi Narain ...Applicants |

All the above applicants were working as Casual Labourers under various zones and divisions of Railway's.

By Advocate: Shri Yogesh Sharma, proxy counsel for Shri V.P. Sharma in all OAs..

versus

Union of India through

1. The General Manager,
Western Railway,
Church Gate, Bombay.
2. The Divisional Railway Manager,
Western Railway, Jaipur.
3. The Assistant Engineer,
Western Railway, Alwar (Raj.)
4. The Secretary,
Railway Board,
Rail Bhawan, New Delhi.
5. The Assistant Engineer(N)
Western Railway, Jaipur.
6. The Assistant Engineer(S)
Western Railway, Jaipur. ...Respondents

By Advocate: Shri Shyam Moorjani in OAs.3046/91,
3056/91 and 979/92.

None for other respondents.

O R D E R (Oral) (By Shri N.V. Krishnan)

All these 6 cases are being taken up for disposal with the consent of parties, as the issues involved are similar. The applicants are casual labourers in the Railways and after being engaged for some time they were disengaged. They, therefore, filed these OAs for a direction to the respondents to consider regularisation of their services in preference to their juniors and to further direct the respondents to reengage them in preference to their juniors until they are regularised for work on a casual basis.

2. Shri Shyam Moorjani, counsel appeared on behalf of the respondents in 3 OAs as mentioned above. In the other three OAs, neither any reply has been filed nor any counsel appeared (ie. OAs at Sl.No.14,20 & 21 above).

3. The learned counsel for the parties submit that a similar matter has already been disposed of, by this Bench in OA.2441/91 on 26.3.94 - Net Ram & Ors. versus G.M. Western Railway & Ors. They request that these cases may also be disposed of, on the same lines.

2)

4. In view of this submission, we are of the view that these OAs can now be disposed of, with similar directions as in the earlier case of Net Ram & Ors. (supra).

5. Accordingly, these OAs are disposed of, with a direction to the respondents to include the names of the applicants in the Live Casual Labour Register, if they are eligible for such inclusion in terms of the circular No.220E/190-XIX-A/RIV, dated 28.8.87 of the General Manager, Northern Railway (referred to, in Net Ram's judgement) and give engagement to the applicants as casual labourers if and when the need arises, in accordance with their seniority in that Register. It is made clear that in order to enable the respondents to take such action, the applicants to submit representations to the competent authority within one month from the date of receipt of this order along with proof relating to the claim that they are entitled to be included in the Live Casual Labour Register and in case such representations are received, the respondents are directed to dispose them of, in accordance with law within a further period of four months thereafter, under intimation to the applicants.

6. The MAs filed by the applicants for disposal of these OAs in accordance with the judgement of Net Ram's case thus have become infructuous and stand disposed of accordingly.

7. The OAs are disposed of, as above. No costs.

8. The original copy of this order shall be placed in OA.3046/91 and copies should be kept in each of the other OAs.

8. Shri Shyam Moorjani, counsel for the respondents will be entitled to a separate fee in each of the 3 cases in which he has entered appearance.

(C.J. ROY)
MEMBER (J)

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

9/10.94