

Central Administrative Tribunal
Principal Bench

10
OA No. 2970/2003
with
OA No. 2855/2004 ✓

New Delhi, this the 21st day of July, 2005

Hon'ble Mr. Shanker Raju, Member (J)
Hon'ble Mr. S.A. Singh, Member (A)

OA No. 2970/2003

1. Shri Sahib Singh
S/o Shri Kundan Singh,
Gangman, Office of the Assistant Engineer,
Northern Railway,
Ghaziabad.
2. Shri Charan Singh,
s/o Shri Niadar Singh,
Gangman, Office of the Assistant Engineer,
Northern Railway,
Ghaziabad.
3. Shri Ramesh
s/o Shri Mam Raj
Gangman, Office of the Assistant Engineer,
Northern Railway,
Ghaziabad.
4. Shri Subhash Chander
s/o Shri Surat Singh,
Gangman, Office of the Assistant Engineer,
Northern Railway,
Ghaziabad.
5. Shri Bhagwan Singh
s/o Shri Darya
Gangman, Office of the Assistant Engineer,
Northern Railway,
Ghaziabad.
6. Shri Ram Rattan
s/o Shri Kundan
Gangman, Office of the Assistant Engineer,
Northern Railway,
Ghaziabad.

7. Shri Shambhoo Singh,
Shri Bhag Singh,
Gangman, Office of the Assistant Engineer,
Northern Railway,
Ghaziabad.

8. Shri Mansa
s/o Shri Dev Karan,
Gangman, Office of the Assistant Engineer,
Northern Railway,
Ghaziabad.

9. Shri Soran
s/o Shri Hori,
Gangman, Office of the Assistant Engineer,
Northern Railway,
Ghaziabad.

10. Shri Chhannoo
s/o Shri Parbhoo
Gangman, Office of the Assistant Engineer,
Northern Railway,
Ghaziabad.

11. Shri Shyam Lal,
s/o Shri Chhotey,
Gangman, Office of the Assistant Engineer,
Northern Railway,
Ghaziabad.

12. Shri Jai Pal,
s/o Shri Jaharia,
Gangman, Office of the Assistant Engineer,
Northern Railway,
Ghaziabad.

13. Shri Ram Chander,
s/o Shri Mangli,
Gangman, Office of the Assistant Engineer,
Northern Railway,
Ghaziabad. ...Applicants

(By Advocate: Shri P.S. Mahendru)

-versus-

1. Union of India through
The General Manager,
Northern Railway,
Baroda House,
New Delhi.



2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.

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....Respondents

(By Advocate: Shri A.K. Shukla)

OA No. 2855/2004

1. Shri Vijay Singh
s/o Shri Kalam Singh,
Mali,
Under Section Engineer (Horticulture),
Northern Railway,
Hazrat Nizamuddin, New Delhi.
2. Shri Dhani Ram
s/o Shri Run Singh,
Mali,
Under Section Engineer (Horticulture),
Northern Railway,
Hazrat Nizamuddin, New Delhi.
3. Shri Ram Phal,
s/o Shri Bhola Shah,
Mali Khallasi,
Under Section Engineer (Horticulture),
Northern Railway,
Hazrat Nizamuddin, New Delhi.
4. Shri Kalika Prasad,
s/o Shri Ram Sukh,
Mali Khallasi,
Under Section Engineer (Horticulture),
Northern Railway,
Hazrat Nizamuddin, New Delhi.
5. Shri Shyam Sunder Dubey,
s/o Shri Ram Bharosey Dubey,
Mali,
Under Section Engineer (Horticulture),
Northern Railway,
Hazrat Nizamuddin, New Delhi.
6. Shri Jagdish Kumar,
s/o Shri Ram Swaroop,
Mali Khallasi,
Under Section Engineer (Horticulture),
Northern Railway,
Hazrat Nizamuddin,
New Delhi.

7. Shri Lakhan Singh,
S/o Shri Bidhey Singh,
Mali Khallasi,
Under Section Engineer (Horticulture),
Northern Railway,
Hazrat Nizamuddin,
New Delhi.

8. Shri Ram Kumar Singh,
s/o Shri Ram Dev Singh,
Mali,
Under Section Engineer (Horticulture),
Northern Railway,
Hazrat Nizamuddin,
New Delhi.

9. Shri Prithavi Raj,
s/o Shri Rameshwar Prasad,
Mali,
Under Section Engineer (Horticulture),
Northern Railway,
Hazrat Nizamuddin, New Delhi.

10. Shri Balbir Singh,
s/o Shri Nanak Chand,
Mali,
Under Section Engineer (Horticulture),
Northern Railway,
Hazrat Nizamuddin, New Delhi.

11. Shri Keshav Shah
s/o Shri Bason Shah,
Mali,
Under Section Engineer (Horticulture),
Northern Railway,
Hazrat Nizamuddin, New Delhi.

12. Shri Ram Pher,
s/o Shri Parsoo,
Mali,
Under Section Engineer (Horticulture),
Northern Railway,
Hazrat Nizamuddin, New Delhi.

13. Shri Triveni,
s/o Shri Ram Ashrey,
Mali Khallasi,
Under Section Engineer (Horticulture),
Northern Railway,
Hazrat Nizamuddin, New Delhi.



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14. Shri Hari Lal,
s/o Shri Ram Sumer Singh,
Mali,
Under Section Engineer (Horticulture),
Northern Railway,
Hazrat Nizamuddin, New Delhi.
15. Shri Rama Nand,
s/o Shri Fateh Chand,
Mali,
Under Section Engineer (Horticulture),
Northern Railway,
Hazrat Nizamuddin, New Delhi.
16. Shri Babu Ram,
s/o Shri Dhani Ram,
Mali,
Under Section Engineer (Horticulture),
Northern Railway,
Hazrat Nizamuddin, New Delhi.
17. Shri Digpal Singh,
S/o Shri Ram Pratap Singh,
Mali Khallasi,
Under Section Engineer (Horticulture),
Northern Railway,
Hazrat Nizamuddin, New Delhi.
18. Shri Kishan Singh,
s/o Shri Ramesh Chand,
Mali,
Under Section Engineer (Horticulture),
Northern Railway,
Hazrat Nizamuddin, New Delhi.
19. Shri Lachhi Ram,
s/o Shri Tula Ram,
Field Man,
Under Section Engineer (Horticulture),
Northern Railway,
Hazrat Nizamuddin,
New Delhi.
20. Shri Raghu Raj Singh,
s/o Shri Sahab singh,
Mali,
Under Section Engineer (Horticulture),
Northern Railway,
Hazrat Nizamuddin,
New Delhi.

...Applicants

↳ (By Advocate: Shri P.S. Mahendru)



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3. The Section Engineer (Horticulture),
Northern Railway,
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New Delhi.

....Respondents

(By Advocate: Shri A.K. Shukla)

O R D E R (ORAL)

By Mr. Shanker Raju, Member (J):

Grounded on same set of facts involving identical question of law, these two Original Applications are being disposed of by this common order.

2. In OA No. 2970/2003 applicants, who were earlier working as Casual Labourers and have acquired temporary status, seek regular pay scale from temporary status itself till regularisation and difference of arrears.
3. In OA No. 2855/2004, a similar claim has been made.
4. Learned counsel for the applicant states that as per Railway Board's letter dated 8.6.1981 on accord of temporary status casual labourers are entitled to privilege of retiral benefits, seniority and pay scales as admissible to others.

5. A reliance has been placed on a decision of this Tribunal in OA No. 2610/2002 in case of **Ram Dulare vs. Union of India** decided on 11.10.2002, where in the light of decision of the Delhi High Court in CWP No. 5247/1997 decided on 27.10.1999 claim of the applicant has been directed to be considered which was accordingly implemented vide respondents' order dated 6.5.2003.

6. A reliance has been placed also on CWP No. 5247/1999 decided on 27.10.1999 in the case of **Ram Prasad & Ors. vs. Shri Ganpati Sharma & Anr.**, by the Delhi High Court whereas directions have been issued to release the arrears of salary, wages upto the grant of temporary status.

7. Learned counsel for respondents have opposed the contentions and raised the issue of limitation.

8. On careful consideration of rival contentions of the parties, I am of the considered view that since the relief prayed for pertains to accord of arrears of difference of pay, which constitutes a recurring cause of action, limitation does not attract. Moreover, once similar benefit has been accorded to identically situated employees, applicants cannot be discriminated, which would be an anti thesis to Articles 14 & 16 of the Constitution of India.

9. In the result, for the foregoing reasons, these Original Applications are allowed. Respondents are directed to consider grant of arrears of pay to the applicants for the period when they had worked as casual laboruers in the light of decision of the High Court of Delhi (supra) in accordance with rules and instructions on verification of their



working period etc., within a period of three months from the date of receipt of a certified copy of this order. No costs.

10. A copy of this order be placed in both the case files.

(S.A.Singh)
Member (A)

(Shanker Raju)
Member (J)

/na/

प्राप्त करने वाला अधिकारी
CERTIFIED TRUE COPY
Date/Date...../...../.....
प्राप्त करने वाला/Section Officer
उचित प्राप्त करने वाला अधिकारी
Central Administrative Tribunal
प्रधान अधिकारी, पर्याप्त
Motiwalla Beach, New Delhi

