

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,

NEW DELHI

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN
HON'BLE MR. S.P. BISWAS, MEMBER(A)

New Delhi, this the 14th day of November, 1996.

OA No.1957/92

S/Shri

1. Bhola Ram, s/o Shri Chanu
 2. Shakti Chandra Ram, s/o Shri Doman Ram
 3. Sarvan Parshad, s/o Shri Dhoman Parshad
 4. Bindeshwari, s/o Shri Galoo
 5. Kapil Dev, s/o Shri Chander
 6. Murlidhar, s/o Damodar
 7. Garib Kumar, s/o Damodar
 8. Sumer, s/o Shri Ganga Ram
 9. Dalip, s/o Domari
 10. Ram Asre, s/o Shri Jhurai
 11. Sulochan, s/o Amrit Singh
 12. Ram Sanjeevan, s/o Nand Lal
 13. Sant Lal, s/o Dukhi Ram
 14. Bhai Lal, s/o Poti Ram
 15. Hari Prasad, s/o Rattan Singh
 16. Ravish Pd. Singh, s/o Devnath Pd. Singh
 17. Jagdish, s/o Ram Singh
 18. Ram Pd. s/o Bhaiya Lal
 19. Bhikhari, s/o Jeevodhan
 20. Upendra, s/o Shri Chedi
 21. Nandi Lal, s/o Shri Laxman
 22. Mahesh Pd. s/o Shri Sharju Pd
 23. Rameshwar, s/o Chanderama Pd.
 24. Deep Narayan, s/o Aghori
 25. Umesh, s/o Shri Jaddu Singh
 26. Sahadev, s/o Shri Soman
 27. Jai Prakash, s/o Shri Harihar
 28. Phool Chand, s/o Shri Guljari
 29. Nand Kishore, s/o Shri Mahaveer
 30. Janak Rohit Tyman, s/o Shri Baaku Rohit
 31. Bahori s/o Shri Daulat
 32. Shyam Dev, s/o Narayan
 33. Rameshwar, s/o Shri Ulfat
 34. Ganga Ram, s/o Kallu
 35. Puranmashi, s/o Shri Goverdhan
 36. Budha Ram, s/o Shri Ram Bhadur
 37. Ashok Kumar Pandey, s/o Badrinath Pandey
 38. Sukh Ram, s/o Shri Mathura
 39. Jeevan Singh, s/o Hira Lal
 40. Kewla Prasad, s/o Shri Ramadhar
- (All residing in the Tent at Railway Station, Pataudi House, Dt. Gurgaon c/o Shri B.N. Bhargava, Advocate) .. Applicants

(By Shri B.N. Bhargava, Advocate)

versus

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

2. The Chief Engineer (Construction)
Northern Railway
Kashmeri Gate, Delhi
3. AEN(Construction)
Railway Station
Patel Nagar, Delhi
4. Dy. CE(C) TKJ
(Tilak Bridge), New Delhi .. Respondents

(22)

(By Shri P.S. Mehandru, Advocate)

OA 2225/92

S/Shri

1. Amarjit Pal, s/o Raghunath Pal
2. Bhoomi, s/o Singheshwar
3. Nand Lal, s/o Baldev
4. Rameshwar Mandal, s/o Brij Nath Mandal
5. Bhuvneshwar Sah, s/o Jhingan Shah
6. Vijay Dass, s/o Chun Chun Dass
7. Rohin, s/o Shri Baldev
8. Bachhi Ram, s/o Medni Ram
9. Tarni, s/o Hari Lal
10. Sahdev Mandal, s/o Badri Mandal
11. Gulab, s/o Jagdish
12. Sahdev Kampti, s/o Sodagar Kampti
13. Hira, s/o Kameshwar
14. Ram Bilas, s/o Jeewan Dass
15. Chandra Dev Prasad, s/o Ghuman Ram
16. Ram Lagan Singh, s/o Shyam Singh
17. Suresh, s/o Bhikari
18. Itwari, s/o Chaksu
19. Vakeel, s/o Jamdi
20. Kamo, s/o Kanik
21. Uttam Singh, s/o Sakaldeep Singh
22. Raghunandan, s/o Parmeswar
23. Ombir, s/o Inder Singh
24. Shankar, s/o Bhola
25. Hira Mani, s/o Ram Karan
26. Tribhuvan, s/o Ram Kumar
27. Amrit La, s/o Agnu
28. Piyare Lal, s/o Raghunandan
29. Ram Viraksh, s/o Damroo Ram
30. Ram Sabod, s/o Raghuwar
31. Jawahar, s/o Mahadev
32. Rajinder Prasad, s/o Matuk Dhari
33. Moti Lal, s/o Ram Dhari
34. Mahendra Prasad, s/o Jai Gobind
35. Agan Lal, s/o Jokhu Ram
36. Mohindra, s/o Jagan
37. Devi Shankar, s/o Amrit Lal
38. Ganga Ram, s/o Gajai
39. Ram Viraksh, s/o Dhari
40. Ram Prasad, s/o Bandhoo
41. Amar Nath, s/o Kedar Nath
42. Jagdish, s/o Shiv Nandan
43. Ram Moorat, s/o Bal Kishan
44. Shiv Kumar Singh, s/o Sultan Singh
45. Sat Pal, s/o Asha Ram
46. Sharda, s/o Aliar
47. Ram Narash, s/o Chaukey Lal
48. Set Bahadur, s/o Ram Janak

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49. Deep Narain, s/o Giani
 50. Kalloo, s/o Ganga
 51. Ambika, s/o Raj Kumar
 52. Jagan Nath, s/o Keshri Ram
 53. Sudarshan Thakur, s/o R.P. Thakur
 54. Tirath Ram, s/o Ram Pathi
 55. Lalji, s/o Suraj Mani
 56. Chandra Dev, s/o Jagdish Singh
 57. Jatha Dhari, s/o Ram Saran
 58. Ram Naresh, s/o Bhagwati
 59. Ram Sumeran
 60. Bachhu Ram, Ram Pher
 61. Ali Mohemmad, s/o Umjad
 62. Suraj Mani, s/o Brahmdin
- (All were engaged casual labours,
c/o Shri B.N. Bhargava, Advocate) .. Applicants

versus

1. Union of India, through
General Manager
Northern Railway
Baroda House, New Delhi
2. The Chief Engineer (Construction)
Northern Railway
Kashmeri Gate, Delhi
3. AEN(Construction)
Gurgaon
c/o Respondent No.2
4. P.W.I. (Construction)
Rly. Station, Pataudi Road
c/o Respondent No.2 .. Respondents

(By Shri P.S. Mehandru, Advocate)

OA 2621/1992

S/Shri

1. Kanshi Ram, s/o Umrao Singh
2. Subedar, s/o Chadi Lal
3. Arun Kumar, s/o Diwanjha
4. Bhim Singh, s/o Jeewan Singh
5. Ram Narain Ram, s/o Bhudh Ram
6. Ram Prasad, s/o Jawahar
7. Brij Lal, s/o Deen Dayal
8. Suresh, s/o Ram Sahai
9. Chedi Lal, s/o Madan Lal
10. Dharam Raj, s/o Sahdev
11. Ram Chander, s/o Gulzari
12. Ayodhiya Prasad, s/o Heera
13. Tulsi Ram, s/o Neewar Ram
14. Rajinder Kumar, s/o Bankey Lal
15. hola Ram, s/o Mallu Ram
16. Bankey La, s/o Chotey Lal
17. Ram Swaroop, s/o Parashadi
18. Som Pal, s/o Piyarey Lal
19. Tun Tun, s/o Nageshwar
20. Ram Dor, s/o Tulsi
21. Kailash Dass, s/o Bhopu Ram
22. Ram Lal, s/o Diwari
23. Avdesh Yadav, s/o Medo Yadav
24. Udai Ram, s/o Mehdi Ram
25. Mohinder, s/o Sanichar

26. Anik, s/o Sanichar
 27. Ghuran Dass, s/o Ajo Dass
 28. Bhola, s/o Beesu
 29. Rajoo, s/o Rameshwar
 30. Shambhu, s/o Annandi
 31. Kaloo, s/o Jodhey
 32. Brahm, s/o Dhotal Mondal
 33. Arun Ram, s/o Churai
- (all were engaged as casual labours,
c/o Shri B.N. Bhargava, Advocate) ... Applicants

versus

1. Union of India, through
General Manager
Northern Railway
Baroda House, New Delhi
 2. The Chief Engineer (Construction)
Northern Railway
Kashmeri Gate, Delhi
 3. AEN(Construction)
Railway Station, Gurgaon
c/o Respondent No.2
 4. P.W.I. (Construction)
Rly. Station, Pataudi Road/Patli
c/o Respondent No.2
- .. Respondents

(By Shri P.S. Mehandru, Advocate)

OA 35/1993

S/Shri

1. Kailash Chandra, s/o Jokhoo
 2. Nand Lal, s/o Bhagwan Din
 3. Rajeshwari, s/o Lalayee
 4. Ram Bihari, s/o Sudama
 5. Giyanendra Singh, s/o Laxmi Narain
 6. Narsingh Dass, s/o Mahavir Dass
 7. Musa Ram, s/o Sudan Ram
 8. Asgar, s/o Gulzar
- (All were engaged as casual labours,
c/o Shri B.N. Bhargava, Advocate) ... Applicants

versus

1. Union of India, through
General Manager
Northern Railway
Baroda House, New Delhi
 2. The Chief Engineer (Construction)
Northern Railway
Kashmeri Gate, Delhi
 3. Dy. Chief Engineer (Construction)
Northern Railway, Tilak Bridge
New Delhi
 4. A.E.N. (Construction)
Northern Railway Station, Gurgaon
 5. P.W.I. (Construction)
Northern Railway Station
Rewari
- .. Respondents

(By Shri P.S. Mehandru, Advocate)

The applications having been heard on 7th November, 1996, the Tribunal on this day, the November, 1996 delivered the following:

ORDER

Hon'ble Mr. S.P. Biswas

Details of facts, issues raised and the reliefs sought for are identical in these Original Applications and hence they are being disposed of by a common order.

2. The applicants in the above Original Applications are project casual labourers working for 12 to 15 years under the Respondent No.1 General Manager, Northern Railway. They are aggrieved that despite being in service over a long period, they have neither been regularised nor kept at a particular station to enable them to settle their families. Consequently, they seek directions to the respondent Railways to regularise their services from the date they have attained temporary status with all consequential benefits as well as fixing up permanent headquarters nearer to Delhi.

3. It is the case of the applicants that they have been shifted from one place to another for carrying out the work as casual labourers and made to reside in tents or at stations as a result of which they are not able to provide medical and educational facilities to their children. They have also not been provided with any leave account and are performing their duties without any uniform. The applicants contend that their claims for regularisation are covered by the decision of this Tribunal in OA 1991/91 decided on 6.1.92.

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4. In the counter, the respondents have submitted that the applicants are project casual labourers and have to work on a particular project for a fixed period and on completion of the same they are required to move out to a project where work is available and it is because of exigencies of work they have to be stationed at the site of the work. The applicants being project casual labourers are not holders of any civil posts and as such there cannot be any permanent headquarters for them. Respondents would further submit that services of the applicants can be regularised only when there are vacancies in open line and that too after subjecting them to screening test in terms of their seniority.

5. It is well settled law that the casual engagement does not entail any benefit automatically, only conferment of benefit under a valid scheme or an order of regularisation can confer rights. If any authority is needed for this purpose, it is found in Muktabhai Chotabhai Patel Vs. Joint Agriculture and Marketing Adviser, Government of India & Ors. (1994-SSC L&A 126). In a recent case in UOI Vs. Moti Lal & Ors. (1996(1)ATJ-605), decided on 15.2.96, the apex court has held that daily wage or casual worker against a particular post when accords temporary status having worked for a specific period does not acquire a right to be regularised. He can be considered for regularisation only in accordance with the rules. In other words, regularisation can be considered in relation to a post available and only pursuant to a scheme/order in that behalf. Merely working in a post for a number of years

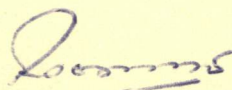
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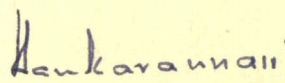
on ad hoc/casual basis does not bestow on a person the right to get regularised in a post which is meant to be filled up in accordance with prescribed rules.

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6. In view of the law laid down by the Hon'ble Supreme Court, the applications fail on grounds of merits and are dismissed accordingly. No costs.

Dated, this day of November, 1996.


(S.P. Biswas)
Member(A)


(Chettur Sankaran Nair(J))
Chairman

/gtv/