

Central Administrative Tribunal
Principal Bench: New Delhi

28

1. OA No.92/92
MA-1883/94

New Delhi this the 9th Day of August, 1994.

Sh. N.V. Krishnan, Vice-Chairman (A)

Sh. C.J. Roy, Member (J)

1. Suva s/o Sh. Gopi

2. Ghasi s/o Sh. Bhura

3. Babu Lal s/o Sh. Ram Pal,

4. Khaniya s/o Sh. Moti Ram

C/o Sh. Hari Om Gaur,
Gali No.39, Sadh Nagar,
Palam Colony, New Delhi.

...Applicants

(By Advocate Sh. V.P. Sharma)

Versus

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

...Respondents

(By Advocate Sh. Romesh Gautam)

2. OA No.259/92
MA-1881/94

Durga Parshad s/o Sh. Swarup Narain,
r/o C/o Sh. Prem Chander,
H.No.221, East Moti Bagh,
New Delhi.

...Applicant

(By Advocate Sh. V.P. Sharma)

Versus

1. Union of India through the
General Manager, Western
Railway, Churchgate, Bombay.
2. The Divisional Railway Manager,
Western Railway, Jaipur.

ccnld...2..

3. The Chief Permanent Way Inspector (South),
Western Railway, Jaipur.

4. The Secretary, Railway Board,
Rail Bhawan, New Delhi.

...Respondents

(By Advocate Sh. Romesh Gautam)

ORDER(ORAL)
Hon'ble Mr. N.V. Krishnan:-

The applicants are casual labourers under the Railways and they have sought a direction to the respondents to consider the applicants for regularisation of their services as per the Railway Board's letter dated 11.9.86 in preference to the juniors and a further direction to the respondents to engage them in preference to the juniors and the outsiders.

2. When this application came up for admission, an interim direction was given that the respondents should consider engaging the applicants as casual labourers so long as they need the services of casual labourers in preference to the juniors and the outsiders. This interim order is still continuing.

3. The respondents have filed MAs 1883 and 1881 of 1994 for vacation of the interim order granted in these cases.

4. The respondents have filed a reply contesting the claims of the applicants.

5. However, when the matter came up for direction today, both the parties agreed that in a similar matter in OA-2441/91 - Net Ram & Others decided by this Bench on 26.5.94 certain directions have been given to the respondents and the parties sought that this O.A. can also be disposed of by similar directions. The learned counsel for the applicants also states that subsequently OA-2157/93 has also been disposed of by another Bench

on 8.6.94 in more or less similar terms. Accordingly, it is requested that this O.A. can be disposed of on the basis of the directions contained in these two earlier decisions.

6. We have perused these decisions. In the circumstances, we dispose of these O.As with the following directions:-

- i) In case the applicants satisfy the authority concerned that they had rendered sufficiently longer service to qualify them for being given temporary status in accordance with the Railway Board circular dated 11.9.86, the respondents should include the names of such applicants in the Live Casual Labour Register in terms of the circular dated 28.8.87, if eligible for such inclusion and give engagement to the applicants as casual labourers as and when the need arises in accordance with their seniority in that Register.
- ii) We make it clear that for this purpose, it is open to the applicants to submit a representation to the concerned authority within four weeks from the date of receipt of this order to establish that they have the necessary service to be given temporary status.

7. Both the O.As are disposed of with the aforesaid directions. No costs.

8. In the circumstances the MAs filed by the respondents have become infructuous and are disposed of.

9. Let a copy of this order be placed in both the O.As.

(C.J. Roy)
Member(J)

'Sanju'

True (copy)
Dated (N.V. Krishnan)
9/8/94 Vice-Chairman(A)

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